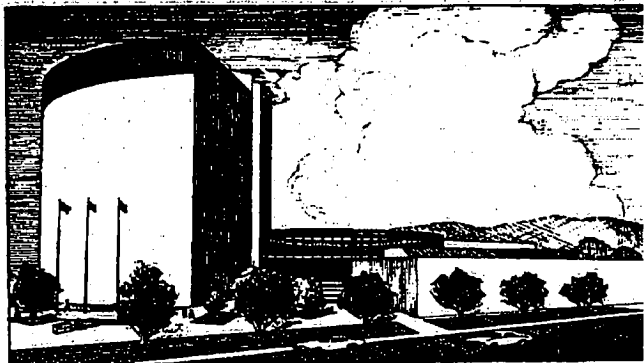




MINUTES

City of Las Vegas

CITY COUNCIL

COUNCIL CHAMBERS • 400 STEWART AVENUE • 229-6011 (VOICE) • 386-9108 (TDD)

SPECIAL CITY COUNCIL

Meeting of

NOVEMBER 25, 2003

INVOCATION PLEDGE OF ALLEGIANCE

CITY COUNCIL

MAYOR OSCAR B. GOODMAN

COUNCILMAN GARY REESE
MAYOR PRO-TEM

COUNCILMAN LARRY BROWN

COUNCILWOMAN LYNETTE BOGGS MCDONALD

COUNCILMAN LAWRENCE WEEKLY

COUNCILMAN MICHAEL MACK

COUNCILWOMAN JANET MONCRIEF

DOUG SELBY, CITY MANAGER

BRAD JERBIC, CITY ATTORNEY

BARBARA JO RONEMUS, CITY CLERK

PRESENT

ABSENT

EXCUSED

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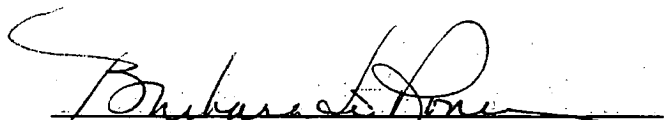
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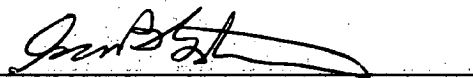
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APPROVED BY REFERENCE: **January 21, 2004**
ATTEST:


CITY CLERK


MAYOR



DATE: November 19, 2003
TO: CITY CLERK
FROM: MAYOR GOODMAN
RE: SPECIAL MEETING OF THE CITY COUNCIL

Please schedule a Special Meeting of the Las Vegas City Council on Tuesday, November 25, 2003 at 2:30 p.m. The meeting will be held in the Las Vegas City Council Chambers at 400 Stewart Avenue, Las Vegas, Nevada 89101. This meeting is being called to consider the items shown below:

- Discussion and possible action regarding the findings and recommendations of the Auditor's Special Report on Neighborhood Services and other matters pertaining thereto.
- Discussion and possible action regarding the service of City employees in the Nevada State Legislature and other matters pertaining thereto.

A handwritten signature in cursive script, reading "Ben B. Goodman", is written over a horizontal line.

MAYOR GOODMAN



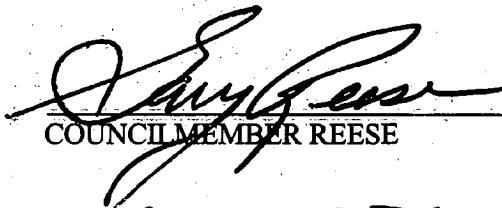
DATE: November 19, 2003
TO: CITY COUNCIL
FROM: CITY CLERK
RE: SPECIAL MEETING OF THE CITY COUNCIL

A Special Meeting of the City Council is being called for the matter shown below. The meeting will be held in the Las Vegas City Council Chambers, 400 Stewart Avenue, on Tuesday, November 25, 2003 at 2:30 p.m.

Discussion and possible action regarding the findings and recommendations of the Auditor's Special Report on Neighborhood Services and other matters pertaining thereto.

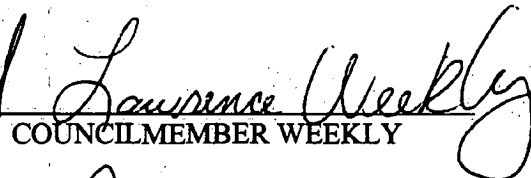
Discussion and possible action regarding the service of City employees in the Nevada State Legislature and other matters pertaining thereto.

ACCEPTANCE OF NOTICE: The undersigned do hereby acknowledge service of notice for the Special Meeting called to be held as stated above.

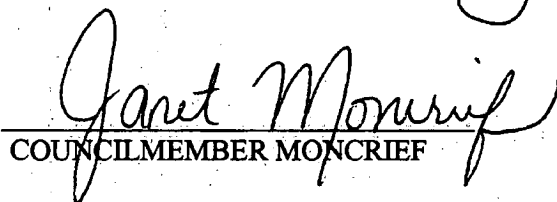

COUNCILMEMBER REESE


COUNCILMEMBER BROWN


COUNCILMEMBER L. B. McDONALD


COUNCILMEMBER WEEKLY


COUNCILMEMBER MACK


COUNCILMEMBER MONCRIEF

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
COUNTY OF CLARK)

Eva Cotton, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 19th day of November, 2003, a copy of NOTICE, the attached of which is a true and correct copy of the Notice – re: **Special City of Las Vegas, City Council Meeting** to be held on the 25th day of November, 2003, was deposited in the United States Mail, Postage prepaid, First Class Certified Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

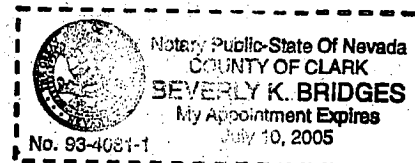

SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

20th day of November, 2003

Beverly K. Bruggen
NOTARY PUBLIC in and for said County and State



City of Las Vegas

CITY COUNCIL AGENDA
SPECIAL CITY COUNCIL MEETING OF: NOVEMBER 25, 2003

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE SPECIAL COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE THURSDAY AT 6:00 AM, AND ALSO ON FRIDAY AT 7:00 PM AND SUNDAY AT 4:00 PM

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- PLEDGE OF ALLEGIANCE

MINUTES:

PRESENT: MAYOR GOODMAN and COUNCIL MEMBERS REESE, BROWN, L.B. McDONALD, MACK, WEEKLY and MONCRIEF (excused)

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER STEVE HOUCHENS, DEPUTY CITY MANAGER BETSY FRETWELL, CITY ATTORNEY BRAD JERBIC, and CITY CLERK BARBARA JO RONEMUS

ANNOUNCEMENT MADE – Meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(2:34 – 2:36)

1-1

City of Las Vegas

Agenda Item No. 1

AGENDA SUMMARY PAGE**SPECIAL CITY COUNCIL MEETING OF: NOVEMBER 25, 2003****DEPARTMENT: CITY MANAGER****DIRECTOR: DOUGLAS A. SELBY**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Discussion and possible action regarding the findings and recommendations of the Auditor's Special Report on Neighborhood Services and other matters pertaining thereto

Fiscal Impact

☒	No Impact	Amount:
☐	Budget Funds Available	Dept./Division:
☐	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

The Special Report of the City Auditor's Office on November 17, 2003 contains both findings and recommendations relating to important city policies and procedures. In order to enable the City Council to give either general guidance or specific direction to staff on the topics contained in this report, a full discussion with Council capability to act is appropriate.

RECOMMENDATION:

None at this time.

BACKUP DOCUMENTATION:

City Auditor's Special Report No. CAO 2300-0304-01

MOTION:

GOODMAN – Directing the City Manager to create policies to rectify inadequacies regarding cell phone usage and repayment by City employees; standardize and institute mechanisms of Last Chance Agreements; tracking of hours worked/sick leave and monitoring all City employees working at off-site locations, including but not limited to those serving who are elected/appointed to positions outside employment at the City of Las Vegas; uniformity as to disciplinary penalties for behavior contrary to the best interest of the citizens

Directing the City Clerk to put ratification of Sharon Segerblom and her alleged termination on the agenda in compliance with legal requirements thereof; that the City Manager or City Attorney's Office request an investigation by the Office of Special Counsel regarding a possible violation of the Hatch Act; with a subsequent agenda item to discuss whether or not the City Council should be full time with commensurate pay for

City of Las Vegas

Agenda Item No. 1

SPECIAL CITY COUNCIL MEETING OF NOVEMBER 25, 2003

City Manager

Item 1 – Discussion and possible action regarding the findings and recommendation of the Auditor's Special Report on Neighborhood Services and other matters pertaining thereto

MOTION – Continued:

better monitoring in the future and that such agenda item also include discussion as to whether or not to explore a Mayor/Council form of government; a personnel session to be conducted for the City Manager with Council members to candidly address various issues raised; and, the Fraud Committee to submit the facts and findings of the City Auditor's report and pending update to the District Attorneys Office – UNANIMOUS with MONCRIEF excused

MINUTES:

NOTE: A Combined Verbatim Transcript of Items 1, 2 and Citizen Participation is made a part of the Final Minutes under Item 1.

APPEARANCES:

OSCAR GOODMAN, Mayor

BARBARA JO RONEMUS, City Clerk

RADFORD SNELDING, City Auditor

LYNETTE BOGGS McDONALD, Councilwoman

STEVE HOUCHENS, Deputy City Manager

LAWRENCE WEEKLY, Councilman

MICHAEL MACK, Councilman

LARRY BROWN, Councilman

DOUG SELBY, City Manager

CLAUDETTE ENUS, Director, Human Resources

MARK VINCENT, Director, Finance and Business Services

WENDELL WILLIAMS, Assemblyman

UNIDENTIFIED FEMALE

GARY REESE, Councilman

JOE NEAL, Senator

PATRICIA BROWN, 507 Prescott

JOHNNY MAY BENNETT, 3645 East San Antonio Avenue

CHRISTOPHER HANSEN, 2834 Yorkshire Avenue, Henderson

JAMES TATE, Doctor, 1701 West Charleston Boulevard

TOM MCGOWAN, Las Vegas resident

DICK GEYER, 8260 Hilton Head Court

LEE HAYNES, Boulder City

LOIS REED, 2033 Travis, North Las Vegas

HENRY THORNS, 700 Boulevard

TOMMY RICKETTS, President, Las Vegas City Employees Association

*City of Las Vegas***Agenda Item No. 1****SPECIAL CITY COUNCIL MEETING OF NOVEMBER 25, 2003****City Manager**

Item 1 – Discussion and possible action regarding the findings and recommendation of the Auditor's Special Report on Neighborhood Services and other matters pertaining thereto

MINUTES – Continued:

NOTE: COUNCILWOMAN McDONALD requested a personnel session item on the agenda with the City Manager to discuss directly between the City Council and the City Manager policies such as Last Chance Agreements. She does not think that that should be an option for appointive employees in any circumstance. Appointive employees are typically those who are in management or have supervisory responsibility. They are to implement and adhere to policies of the City and are responsible to know those policies. The responsibility in this case does not rest solely on the shoulders of two individuals. Everyone has to be held to the same standard.

In addition, she requested that a policy be adopted that no City of Las Vegas employee may hold elective office in the State of Nevada Legislature.

NOTE: COUNCILMAN MACK indicated that City employees should be allowed to be an elected official, but policies and procedures should be implemented to ensure that they only receive compensation from the body they currently serve. In addition, he would like to see a policy where the elected official reports directly to the City Manager without putting the burden on a director or manager. He would like to explore the issue making all state and local officials at a full-time employee status. This will not only compensate the officials for their dedicated service, but also bring a close to the conflicts of interest that are related to outside employment, which would not be permitted if a full time Council or state legislature was enacted.

NOTE: COUNCILMAN BROWN would support a policy to better define the parameters of a City employee running for elected office. He is interested in seeing an analysis on whether equity could be built into a situation that creates a differential and how employees are viewed.

NOTE: COUNCILMAN WEEKLY indicated that policies have to be implemented and enforced. He concurred with COUNCILMAN MACK that high-ranking officials working for the City of Las Vegas should report directly to the City Manager. CITY MANAGER DOUG SELBY clarified that neither WENDELL WILLIAMS nor SHARON SEGERBLOM have been terminated from employment. They were advised that it is the City's intent to do so. The testimony given will be considered prior to the final decision.

(2:36 – 5:30)

1-1/2-1

CITY AUDITOR'S OFFICE



SPECIAL REPORT

NEIGHBORHOOD SERVICES REVIEW OF SELECTED ISSUES

Report No. CAO 2300-0304-01

November 17, 2003

**RADFORD K. SNELDING, CPA, CIA, CFE
CITY AUDITOR**

EXECUTIVE SUMMARY

SPECIAL REPORT

NEIGHBORHOOD SERVICES
REVIEW OF SELECTED ISSUES

REPORT CAO 2300-0304-01

The purpose of the executive summary is to convey in capsule form the significant issues of the report. The executive summary is a vehicle for reviewing the report and should be used in conjunction with the entire report.

INTRODUCTION

The City of Las Vegas currently employs a Nevada Assemblyman. This employee (the Administrative Officer) worked in the Department of Neighborhood Services during the 2001 and 2003 legislative sessions. During the 1997 and 1999 legislative sessions, the Administrative Officer worked in the City's Office of Federal, State, and Local Initiatives.

In August 2003, the City reviewed cellular phone usage of the Administrative Officer as a result of allegations of misuse.

In September 2003, the City began reviewing the time reporting and payroll records of the Administrative Officer as a result of allegations of misuse of sick leave.

As a result of these reviews, the Administrative Officer signed a "Last Chance Agreement" and was disciplined.

Following the administration of discipline to the Administrative Officer, allegations were made regarding time reporting and management intervention. The Deputy City Manager was directed to investigate these allegations. At the request of the Mayor and Council, the City Auditor's Office was asked to supply technical support to the Deputy City Manager in addressing concerns in the Neighborhood Services Department. In response, the City Auditor's Office began reviewing selected policies, procedures, and practices in the Neighborhood Services Department. As a result of the Deputy City Manager's investigation, the Director of Neighborhood Services was disciplined.

In addition to allegations raised regarding time reporting by the Administrative Officer, similar allegations have arisen regarding a Former Deputy Director of Neighborhood Services (Former Deputy Director) who is also a State Assemblyman who worked in Neighborhood Services from 1993 until he separated from the City in 2002. These allegations were also evaluated in conjunction with the City Auditor's Office review.

OVERVIEW OF SIGNIFICANT ISSUES

As a result of the review of selected policies, procedures, and practices in the Department of Neighborhood Services, the following significant issues were identified that city management should address:

- The Administrative Officer and the Former Deputy Director violated the sick leave policy of the City. City Management should review the violations addressed in this report and take appropriate action.
- Improvements are needed in the policies, procedures, and the process surrounding cell phone usage and employee reimbursement to the City for personal calls.
- The Last Chance Agreement used with the Administrative Officer was inappropriately used and administered. Policies and procedures are needed on how to properly administer a Last Chance Agreement. The City Attorney's Office should review all Last Chance Agreements and Human Resources should participate in the execution of the Agreements.
- Evidence of preferential treatment towards the Administrative Officer by the Director of Neighborhood Services was identified. Neighborhood Services management should take measures to enforce policies consistently among staff. Increased oversight and controls should be implemented for employees at remote locations.
- Written policies and procedures should be developed for employees who are elected officials of other entities.

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SPECIAL REPORT

NEIGHBORHOOD SERVICES REVIEW OF SELECTED ISSUES

REPORT CAO 2300-0304-01

OBJECTIVES

The Mayor and City Council requested that the City Auditor's Office review potential abuse of time and attendance, cell phone usage and reimbursement, and other policies and procedures.

SCOPE AND METHODOLOGY

Our review was performed in accordance with Generally Accepted Governmental Auditing Standards. Procedures included:

- Interviewing personnel and outside individuals; and
- Reviewing records, reports, and other applicable documentation.

During our fieldwork, Neighborhood Services and other city staff cooperated in supplying information related to our review. However, the scope of our procedures was limited due to the following:

- Certain documents either did not exist because they have been routinely destroyed as they exceeded the record retention schedule or could not be located.
- One principle individual failed to meet with us for an interview.

BACKGROUND

The City of Las Vegas currently employs a Nevada Assemblyman. This employee (the Administrative Officer) worked in the Department of Neighborhood Services during the 2001 and 2003 legislative sessions. During the 1997 and 1999 legislative sessions, the Administrative Officer worked in the Office of Federal, State, and Local Initiatives.

In August 2003, the City reviewed cellular phone usage of the Administrative Officer as a result of allegations of misuse.

In September 2003, the City began reviewing the time reporting and payroll records of the Administrative Officer as a result of allegations of misuse of sick leave.

As a result of these reviews, the Administrative Officer signed a "Last Chance Agreement" and was disciplined.

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November 17, 2003

Following the administration of discipline to the Administrative Officer, allegations were made regarding time reporting and management intervention. The Deputy City Manager was directed to investigate these allegations. At the request of the Mayor and Council, the City Auditor's Office was asked to supply technical support to the Deputy City Manager in addressing concerns in the Neighborhood Services Department. In response, the City Auditor's Office began reviewing selected policies, procedures, and practices in the Neighborhood Services Department. As a result of the Deputy City Manager's investigation, the Director of Neighborhood Services was disciplined.

In addition to allegations regarding time reporting by the Administrative Officer, similar allegations have arisen regarding a Former Deputy Director of Neighborhood Services (Former Deputy Director) who is also a State Assemblyman who worked in Neighborhood Services from 1993 until he separated from the City in 2002. These allegations were also evaluated in conjunction with the City Auditor's Office review.

REVIEW OF ISSUES

The following is a discussion of issues raised in the review:

I. TIME AND ATTENDANCE

ISSUE:

Timekeeping policies and procedures are established to provide for management authorization and to ensure that time reported is time worked or approved leave time. Questions have arisen regarding possible erroneous and unauthorized reporting of time and attendance by the Administrative Officer and the Former Deputy Director:

CONDITION:

- The City's sick leave policy for appointive employees states that there are four authorized uses of sick leave:
 - Incapacitated by illness or injury
 - Required to attend a funeral
 - Required to personally care for a member of the immediate family
 - Required to take off work for a medical or dental appointment.

2001 Sick Leave Use – Administrative Officer

- The Administrative Officer violated the City's sick leave policy by inappropriately using sick leave hours for purposes not authorized under the policy as discussed below.

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- The Administrative Officer used 72 hours of sick leave and 8 hours of holiday leave during the period from January 21, 2001 to February 3, 2001.
- This period was the pay period prior to the 2001 Legislative Session.
- In an initial interview with audit staff, the Administrative Officer admitted that he was not sick during the pay period prior to the 2001 Legislative Session. In a subsequent interview, the Administrative Officer recanted his admission to being sick.
- The Department Director was aware of the 72 hours of sick leave taken by the Administrative Officer as evidenced by her signature on the respective timecard.
- During the 2001 legislative session, the Administrative Officer used over 5 weeks (208.25 hours) of sick leave, an average of 18.93 hours per bi-weekly pay period. For the remainder of the year, the Administrative Officer used a total of only 12 hours of sick leave, an average of 0.80 hours of sick leave per bi-weekly pay period.
- None of the Neighborhood Services staff interviewed recall the Administrative Officer having any prolonged illness during the 2001 legislative session.
- Neighborhood Services staff involved with timekeeping responsibilities for the Administrative Division do not recall receiving Leave Request forms from the Administrative Officer for the sick leave used in 2001. This could not be verified as Leave Request forms are not retained by Neighborhood Services for most employees more than one year. Lack of submission of leave request forms is a violation of city and departmental policies.
- The Administrative Officer stated that during the 2001 legislative session he only signed his time cards and sent them to the Department for completion of the detail.
- On review of the Administrative Officer's 2001 timecards, the Administrative Officer did not sign any timecards between February 18, 2001 and June 9, 2001.
- A Neighborhood Services staff acknowledges filling in the detail time on the Administrative Officer's timecards during this time period but denies that she determined herself how the time should be allocated. She recalls being told how to allocate the time either by the Administrative Officer or a member of management.
- The Department Director was aware of the sick leave being taken by the Administrative Officer as she signed 75% of the timecards during this period.

2001 Sick Leave Use – Former Deputy Director

- The Former Deputy Director violated the City's sick leave policy by inappropriately using sick leave hours for purposes not authorized under the policy as discussed below.
- On June 18, 1992, the Former Deputy Director was a Building Plans Checker for the Department of Building and Safety and signed an agreement that defined legislative activities while a City employee. The agreement reads as follows:

While attending the legislative sessions, you will request and be granted, if possible, leave of absence without pay for that period of time spent at the Legislature. You will be allowed to work a sufficient amount of time to offset your cost to the City's health insurance

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program. This work must be done in the same pay period as the withholding.

During normal working days, telephone calls or personal visits dealing with legislative matters are prohibited. Such calls or visits may be made during the employee's lunch or designated break. Long distance phone calls charged to the City are prohibited except for City business.

If legislature matters arise during normal work days which require the immediate attention of the employee, the employee may:

- *Request vacation time to handle the business. Approval will not unreasonably be withheld, or*
- *Obtain leave approval from the Mayor, Council or City Manager in the event that the matter is in the City's interest. This leave may be with or without compensation, at the City's discretion. The Department Head must be properly notified prior to taking the leave.*

- The Former Deputy Director generally followed the terms of this agreement when participating in legislative sessions until 2001. During the pay period prior to the 2001 legislative session, the Former Deputy Director used 80 hours of sick leave and attended approximately 50 hours of legislative meetings. The table below summarizes his time spent at the legislative meetings:

<u>Date</u>	<u>Start Time</u>	<u>End Time</u>	<u>Total Time</u>
21-Jan-01	SUNDAY		
22-Jan-01	MONDAY		
23-Jan-01	8:45 AM	3:55 PM	7:10
24-Jan-01	8:47 AM	4:30 PM	7:43
25-Jan-01	8:52 AM	4:09 PM	7:17
26-Jan-01	8:45 AM	11:12 AM	2:27
27-Jan-01	SATURDAY		
28-Jan-01	SUNDAY		
29-Jan-01	Excused Absence		
30-Jan-01	8:46 AM	4:42 PM	7:56
31-Jan-01	8:41 AM	4:30 PM	7:49
1-Feb-01	8:55 AM	4:29 PM	7:34
2-Feb-01	8:45 AM	10:44 AM	1:59
3-Feb-01	SATURDAY		
			49.92 hours

Source: Legislative minutes & email from Legislative Counsel Bureau.

- The Former Deputy Director failed to meet with us for an interview.

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II. CELL PHONE USAGE AND REIMBURSEMENT

ISSUE:

The discipline to the Administrative Officer was in part due to unreimbursed personal cell phone calls made on his city cell phone. The Administrative Officer was directed to identify and reimburse the City for personal calls made over a specified period. Questions were raised as to the adequacy of this agreed-upon reimbursement and the City's policies on personal cell phone calls.

CONDITION:

- According to the City's Communications Equipment Procedure (IT121a), an employee is responsible for reimbursing the City for personal calls and maintaining proof of repayment. The Administrative Officer had not reimbursed the City for any personal cell phone calls prior to his recent discipline.
- The Communications Equipment Procedure also states that "department directors shall be responsible for ensuring compliance with these procedures." Therefore, the Department Director failed in her responsibilities related to this procedure.
- In conjunction with his discipline, the City mistakenly only provided cell phone records to the Administrative Officer for the period January 2003 to August 2003 for identification of personal cell phone calls. The Administrative Officer identified and agreed to reimburse the City \$1,844.38 based on his review of these cell phone records.
- Our review of the cell phone records from February 2000 to August 2003 for numbers identified by the Administrative Officer as being personal found 5,084 corresponding numbers. These calls included 3520 phone numbers with a corresponding charge and 1564 phone numbers without a charge (contractual free minutes). The total charges for the calls were \$2,014, a difference of approximately \$170 from what the Administrative Officer agreed to reimburse the City. If the City assessed a charge of \$.08 per minute (contractual per minute charge) for the remaining 1564 calls without a corresponding charge, the Administrative Officer would owe another \$222. Therefore, the Administrative Officer's repayment plan for personal cell phone calls is deficient by at least \$392.

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November 17, 2003

III. LAST CHANCE AGREEMENT

ISSUE:

A Last Chance Agreement was used in disciplining the Administrative Officer. Questions have been raised as to whether it was an appropriate tool to use for disciplining an appointive employee and whether it was administered appropriately and in accordance with City policy.

CONDITION:

- Our review indicates that the Last Chance Agreement was not an appropriate document to use with the Administrative Officer, an appointive employee, for the following reasons:
 - Last Chance Agreements are typically used for represented employees with substance abuse problems.
 - One of the objectives of a Last Chance Agreement is to have an employee waive his rights to the grievance process, which is typically only available to represented employees.
- The City does not have a policy or procedure addressing the use of Last Chance Agreements.
- In addition to being used inappropriately, the Last Chance Agreement used with the Administrative Officer was deficient in the following areas:
 - The Last Chance Agreement was not reviewed by the City Attorney's Office.
 - A representative from Human Resources was not present during the review/signing of the Last Chance Agreement.
 - The dates of violations, inaccuracies, and misrepresentations by the Administrative Officer were not identified within the Last Chance Agreement.
 - The cell phone bill charges to be reimbursed by the Administrative Officer were incomplete.
 - Payroll records for legislative sessions prior to 2003 were not investigated prior to the execution of the Agreement.
 - No prior disciplinary issues had been documented in the Administrative Officer's personnel file.

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November 17, 2003

IV. PREFERENTIAL TREATMENT

ISSUE:

Did the Department Director of Neighborhood Services and/or the City Manager's Office give preferential treatment to the Administrative Officer?

CONDITION:

➤ Sick Leave Use

- As previously discussed, the Administrative Officer violated the city's sick leave policy during 2001 by using sick leave hours for time not meeting the criteria within city policy. The Administrative Officer admitted that he was not sick for every hour of sick leave used in 2001. In addition, Administrative staff involved in the timekeeping function do not recall the Administrative Officer having any prolonged illnesses.
- Discussions with various Neighborhood Services staff revealed that the Department Director monitors sick leave use closely for most other Neighborhood Services staff.
- The Department Director was aware of the sick leave being taken by the Administrative officer as evidenced by her signature on the timecards.
- The Department Director stated feeling uncomfortable questioning the Administrative Officer on his time worked and leave reporting considering his legislative position.

➤ Leave Requests and Reporting

- In 2003, the Administrative Officer took 162 hours of vacation leave. Leave request forms supported only 8 hours or 5% of vacation time. Therefore, 95% of this leave was unsupported by leave request forms. This percentage of unsupported vacation leave is significantly higher than other employees in the Administrative Division of the Department of Neighborhood Services.
- In 2003, the Administrative Officer took 68.5 hours of sick leave. None of these hours were supported with leave request forms.
- In 2001, the Administrative Officer took 220.25 hours of sick leave. While leave request forms are not typically retained by the department beyond one year, timekeeping staff do not recall him submitting many, if any, leave request forms for this time.
- Daily leave of Neighborhood Services employees is tracked in detail on a manually prepared attendance calendar. This information is tracked according to leave request forms submitted for approval and leave information provided by the division timekeepers. For the period January through September 2003, only 52 hours of 220.5 leave hours taken by the Administrative Officer were recorded on the attendance calendar. The employee who maintains the attendance calendar stated that she rarely would get leave information from

CAO 2300-0304-01
November 17, 2003

the Administrative Officer and that he would often take leave time without letting anyone know.

- The Department Director would have been aware of both the leave being taken by the Administrative Officer and the absence of leave request forms as she signs both the time cards and leave request forms.

➤ **Supervision**

- The Administrative Officer worked in a remote office known as the Neighborhood Preservation Office (NPO). While the Department Director implemented controls to monitor the activities at the NPO (i.e., customer sign-in sheets and service log reports), these controls were inadequate to sufficiently monitor the Administrative Officer's activities at the NPO. Discussions with Neighborhood Services staff revealed that the Administrative Officer came and went as he pleased at the NPO and did not consistently report his whereabouts.

➤ **Promotion**

- The Administrative Officer's 12-Month Follow-up Career Development Action Plan (CDAP) completed in November 2001 recommended a salary adjustment but a notation was made that the employee had "topped out." The Administrative Officer, the Former Deputy Director, and the Department Director signed the CDAP.
- In November 2001, the Administrative Officer was promoted from a Sr. Management Analyst to an Administrative Officer. The document approving the promotion was signed by the Deputy City Manager and initialed by the Director of Human Resources and only shows the Department Director as a contact. This promotion did not require justification and approval by a Review Committee as the position was being overfilled.
- The Department Director stated that this promotion was completed without her approval by the former City Manager. No documentation supporting her opposition to the promotion was identified.
- The former City Manager adamantly denies intervening in this promotion.

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November 17, 2003

V. POLICIES AND PROCEDURES FOR ELECTED OFFICIALS

ISSUE:

Questions have arisen as to the adequacy of the City's policies and procedures for city employees who are elected officials of other entities.

CONDITION:

- No formal written policies and procedures exist at the City of Las Vegas for employees who are elected officials of another entity.
- A practice was generally followed at the City in the 1990s by employee/legislators whereby they used Leave Without Pay (LWOP) along with eight hours of paid status to retain their benefits during a legislative session.
- During the 2001 and 2003 legislative sessions, these employee/legislators stopped using LWOP and increased their amount of leave taken or hours worked.

CONCLUSIONS

1. TIME AND ATTENDANCE

The Administrative Officer and Former Deputy Director violated city policy by inappropriately using sick leave for purposes that did not meet the criteria for sick leave. The Administrative Officer used an average of 18.93 hours of sick leave per pay period to remain in pay status during the 2001 Legislative Session while only 0.80 hours of sick leave per pay period was used during the remainder of the year. Also in 2001, sick leave was used by the Former Deputy Director to remain in pay status while working at the legislature. The Department Director was fully aware of the sick leave being taken by these employees as she approved the timecards.

2. CELL PHONE USAGE AND REIMBURSEMENT

The Department Director did not review cell phone bills or ensure that employees were reimbursing the City for personal cell phone calls in accordance with the Communications Equipment Procedure.

The Administrative Officer failed to reimburse the City for personal cell phone calls as required by the Communications Equipment Procedure.

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November 17, 2003

The Administrative Officer's repayment plan for personal cell phone calls did not capture all personal cell phone calls and is deficient by at least \$392.

Under current policy and procedures, management has little assurance that city employees are reviewing cell phone records for personal calls and reimbursing the City for these calls.

3. LAST CHANCE AGREEMENT

The Last Chance Agreement was inappropriately used, inadequately reviewed, and deficiently executed. Last Chance Agreements are typically used for "represented employees" with substance abuse problems. The Administrative Officer is an appointive employee and the disciplining issue was for non-reimbursed cell phone usage and time and attendance violations. Also, the Last Chance Agreement was not reviewed by the City Attorney's Office and a representative from Human Resources was not present during its execution. In haste, some cell phone bill charges were not included for reimbursement and legislative periods other than the 2003 Legislative Session were not investigated for inappropriate leave usage.

4. PREFERENTIAL TREATMENT

The Department Director showed preferential treatment to the Administrative Officer as evidenced by her lack of oversight of leave taken, leave request forms submitted, and activities at the Neighborhood Preservation Office.

The Administrative Officer violated the city's sick leave policy during the 2001 Legislative Session. The Department Director more strictly controlled sick leave authorization and use by other Neighborhood Services staff.

95% of the 2003 vacation time for the Administrative Officer was not supported by leave request forms. No leave request forms were located for the 2003 sick leave taken by the Administrative Officer. The employee who maintains the Department's attendance calendar stated that she rarely would get leave information from the Administrative Officer (as evidenced by only 23% of leave hours recorded on the department's manual attendance calendar) and that leave would often be taken without letting anyone know.

The Department Director claims the Administrative Officer was given a promotion despite her opposition. She claims this promotion was accomplished by the former City Manager. The former City Manager adamantly denies intervening in this promotion.

5. POLICIES AND PROCEDURES FOR ELECTED OFFICIALS

No formal written policy exists for city employees who are elected officials of another entity. As a result of the absence of a formal written policy, the practice of charging 72 hours of LWOP and 8 hours of paid status was no longer followed in either the 2001 or 2003 legislative sessions. Had a clear policy been in place, it could have been enforced.

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RECOMMENDATIONS

1. TIME AND ATTENDANCE

The City Manager's Office should review the violations addressed in this report and take appropriate action.

2. CELL PHONE USAGE AND REIMBURSEMENT

- a) The City Manager's Office should review and improve the policies, procedures, and the process surrounding cell phone usage and employee reimbursement to the City for personal calls.
- b) The Administrative Officer should be given all available cell phone records and asked to review them for additional personal calls.
- c) The City Manager's Office should obtain reimbursement from the Administrative Officer for the additional \$392 in personal cell phone calls discussed in this report, as well as any more personal calls identified in further review of cell phone records by the Administrative Officer.

3. LAST CHANCE AGREEMENT

- a) The City Manager's Office and Human Resources should ensure that Last Chance Agreements are used for "represented" personnel affected by substance abuse.
- b) The City Attorney's Office should review all Last Chance Agreements before being executed.
- c) Human Resources should implement a policy and procedure to address Last Chance Agreements.
- d) Human Resources should have a representative present at the administration of all Last Chance Agreements.

4. PREFERENTIAL TREATMENT

- a) Neighborhood Services management should enforce existing policies and procedures consistently among staff.
- b) Neighborhood Services management should implement improved controls for tracking work hours and work performed by staff at off-site locations.
- c) Neighborhood Services management should perform routine and unannounced visits of any off-site locations to monitor operations.

5. POLICIES AND PROCEDURES FOR ELECTED OFFICIALS

A written policy and procedure should be developed for employees who are elected officials of other entities. These policies and procedures are for the protection of the city, the city

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employees who are elected officials, and the employees charged with their supervision. The policy and procedure should cover at a minimum the following:

- Pay status during service in their elected capacity.
- Guidelines regarding the performance of city duties in conjunction with their other position.
- A written acknowledgment that the employee received and understands the policy and procedure.

**CITY COUNCIL MEETING OF
November 25, 2003**

VERBATIM TRANSCRIPT – ITEMS 1, 2 AND CITIZEN PARTICIPATION

1 Discussion and possible action regarding the findings and recommendations of the
2 Auditor's Special Report on Neighborhood Services and other matters pertaining thereto;
3 and Discussion and possible action regarding the service of City Employees in the Nevada
4 State Legislature and other matters pertaining thereto; and Citizen Participation
5
6

7 **Appearance List:**
8
9

10 OSCAR GOODMAN, Mayor
11 BARBARA JO RONEMUS, City Clerk
12 RADFORD SNELDING, City Auditor
13 LYNETTE BOGGS McDONALD, Councilwoman
14 STEVE HOUCHENS, Deputy City Manager
15 LAWRENCE WEEKLY, Councilman
16 MICHAEL MACK, Councilman
17 LARRY BROWN, Councilman
18 DOUG SELBY, City Manager
19 CLAUDETTE ENUS, Director, Human Resources
20 MARK VINCENT, Director, Finance and Business Services
21 WENDELL WILLIAMS, Assemblyman
22 UNIDENTIFIED FEMALE
23 GARY REESE, Councilman
24 JOE NEAL, Senator
25 PATRICIA BROWN, 507 Prescott
26 JOHNNY MAY BENNETT, 3645 East San Antonio Avenue
27 CHRISTOPHER HANSEN, 2834 Yorkshire Avenue, Henderson
28 JAMES TATE, Doctor, 1701 West Charleston Boulevard
29 TOM McGOWAN, Las Vegas resident
30 DICK GEYER, 8260 Hilton Head Court
31 LEE HAYNES, Boulder City
32 LOIS REED, 2033 Travis, North Las Vegas
33 HENRY THORNS, 700 Boulevard
34 TOMMY RICKETTS, President, Las Vegas City Employees Association
35

36 2:36 – 5:30 (1-1/2-1)
37 Three hours
38
39
40

41 Typed by: Angela Crolli
42 Proofed by: Beverly K. Bridges
43
44

**CITY COUNCIL MEETING OF
November 25, 2003**

VERBATIM TRANSCRIPT – ITEMS 1, 2 AND CITIZEN PARTICIPATION

44 **MAYOR GOODMAN**

45 Good afternoon ladies and gentlemen. The November 25, 2003 Special Meeting of the City
46 Council is called to order. This meeting has been properly noticed and posted in compliance
47 with the Open Meeting Law. These proceedings are being presented live on KCLV Cable
48 Channel 2, and are closed captioned for our hearing impaired viewers. The Special Council
49 meeting, as well as all other KCLV programming, can be viewed on the Internet at www.kclv.tv.
50 These proceedings will be rebroadcast on KCLV Channel 2 and the web Thursday at 6:00 a.m.,
51 and also on Friday at 7:00 p.m. and Sunday at 4:00 p.m. If we could all please rise for the
52 Pledge.

53 Item Number 1, discussion and possible action regarding the findings and recommendation of the
54 Auditor's Special Report on Neighborhood Services and other matters pertaining thereto. The
55 purpose is the Special Report of the City Auditor's Office on November 17, 2003 contains both
56 findings and recommendations relating to important City policies and procedures. In order to
57 enable the City Council to give either general guidance or specific direction to staff on the topics
58 contained in this report, a full discussion with Council capability to act is appropriate.

59 I'd like to start by giving a brief synopsis as to what has led us to the Special Council meeting
60 today, and issues that, I believe, should be considered by the Council pursuant to the Open
61 Meeting Law. And basically, the City of Las Vegas employed Wendell Williams in
62 Neighborhood Services. At all pertinent times Sharon Segerblom was the Director of
63 Neighborhood Services and Wendell Williams was elected to serve in the Nevada State
64 Legislature. There had been a policy in effect referred to as the Barton Rule, which rightly or
65 wrongly made it acceptable for City employees to claim eight hours of work in order to keep
66 their benefits intact while serving in the Legislature.

67 In 2001 the Barton Policy ceased to be followed and instead Mr. Williams submitted time cards
68 for work performed, sick leave and personal cell phone records for compensation by the City of
69 Las Vegas. In addition, after the 2001 Legislative session, Mr. Williams was given a promotion
70 and there exist allegations that he was rewarded for a job well done for his efforts to assist the
71 City of Las Vegas on what was referred to as the Annexation Bill. These facts became public
72 after a media investigation ensued. When requests were made for records, Mr. Williams

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73 amended his time records and cell phone records and entered into a payment agreement with the
74 City of Las Vegas through our Finance Department. Thereafter, a so called, quote, "Last Chance
75 Agreement", end quote, was entered into with Mr. Williams and this was without the
76 participation of the City Attorney's Office, and Mr. Williams signed this Last Chance Agreement
77 at his home.

78 The City Manager's Office began an investigation of the allegations. An ethics complaint has
79 been filed against the Manager and Deputy Manager, but that is for another day and in a different
80 forum. As result, rumors have abounded about the firing of Mr. Williams and the firing of
81 Sharon Segerblom after they had both been disciplined in less drastic methods. I, on behalf of
82 the Council, requested Rad Snelding to conduct an audit concerning the foregoing, and on
83 November 17th Mr. Snelding released his report. On that day I referred his findings to the Fraud
84 Committee and asked that this Special Council meeting be set.

85 It's clear from the Auditor's report that the policies of the City of Las Vegas, if any, were
86 woefully inadequate and have to be rectified. Areas of manifest concern are: One, the cellular usage
87 and reimbursement by a City employee by Las Vegas for personal phone calls. Two, the Last
88 Chance Agreement and whether it should be limited to matters where substance abuse is alleged
89 and also whether the City Attorney should have been part of the process when the Last Chance
90 Agreement was utilized. Three, the failure to track work, hours and sick leave request and
91 inadequate monitoring off-site, which is out of City Hall, workplaces. Four, that no policy exists
92 concerning conduct and compensation of City employees who serve in the Legislature, including
93 but not limited to City of Las Vegas pay status while on service in the Legislature, guidelines
94 regarding what the City of Las Vegas business they can participate in and effectuate at the
95 Legislature, and what is expected of them concerning City of Las Vegas matters in the
96 Legislature.

97 This Special Council meeting was called in order for us to be able to openly discuss these matters
98 consistent with the mandate of the Open Meeting Law. Although we may be criticized for our
99 weaknesses as a City government, this is truly the best way, in my opinion, that we can assume
100 an open discussion, and as promised, assure that there is no cover up. The purpose of this
101 exercise is to rectify under our powers the wrongs that have taken place.

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102 I would be happy to have any of the principals who are referenced in this statement speak to the
103 issues. However, fairness requires that I will insist that the speaker be placed under oath and that
104 these alleged matters may very well be referred to the District Attorney's Office by the Fraud
105 Committee for review for potential criminal prosecution. On the other hand, I welcome
106 comment in an attempt to ferret out the truth as to what occurred because the Auditor's report,
107 with all due respect to Mr. Snelding, leaves many questions unanswered. Questions such as:
108 One, what causes the deviation from the Barton Policy. At whose direction and with whose
109 knowledge. Was it deviated to award a legislator who was advocating positions in the legislature
110 favorable to the City of Las Vegas? Was the City of Las Vegas merely compliant with its
111 obviation or was it complicit? Two, what were the circumstances surrounding the promotion of
112 Mr. Williams? Was there a quit pro quo for his success in the legislature on the Annexation Bill.
113 Three, how did the amendment of time cards and cell phone records take place and what basis
114 was used to confirm their accuracy and what rationale was used to arrive at the recompense of
115 them. Four, what are the circumstances surrounding the Last Chance Agreement? Surely all the
116 facts were not explored before it was entered to. Why at Mr. Williams' home and why wasn't
117 the City Attorney involved? Five, why was Sharon Segerblom demoted and now the subject of
118 termination without the City Council being involved and ratifying the termination as is required
119 by the Las Vegas City Charter Section 3.210. How was a discussion conducted here punishment
120 is enacted and is there a policy of uniformity concerning the imposition of punishment. Six,
121 where did the leaks to the media come from which tended to besmirch the reputation of those
122 persons who were involved. I'm going to ask Rad Snelding to try to answer these questions and
123 then ask any of the principals involved whether they choose to be heard, keeping in – mind my
124 prior abomination. Several issues are clear. The City Manager is responsible to the City Council
125 for the efficient and proper administration of all the affairs of the City of Las Vegas – and
126 exercises control over all departments and divisions of City government and of over all the
127 employees of the City pursuant to Las Vegas City Code 3.030. That provision effectively
128 precludes us, as a Mayor and as the Council, of getting involved and interfering with a
129 disciplinary process of Mr. Williams because he is not an appointive officer under Las Vegas
130 City Charter 3.070. It is clear, however, that the public is of the misperception that we in fact, as

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131 a Council and as the Mayor, have authority far in excess of that which we really possess.
132 However, we can at least, under the Charter enact legislation pursuant to Section 2.010 which
133 addresses our shortcomings in order to promote the general welfare and orderly government for
134 the City of Las Vegas. And we as a Council are required to ratify the removal of Ms. Segerblom
135 per section – 3.210 before it is effective. Notwithstanding her demotion, I find that all of the
136 acts, which are relevant to the administrative decision of the Manager, took place while she acted
137 as the Director of Neighborhood Services and we have jurisdiction to act on the ratification.
138 Therefore, I will ask at the conclusion of our review of this agenda item for the Manager to take
139 action and put policies in place rectifying the City of Las Vegas' inadequacies concerning; one,
140 cell phone usage and payment to City employees and two, standardization of use and
141 mechanisms of the Last Chance Agreement. Three, the tracking of hours worked, six, sick leave
142 and monitoring of off-site locations. Four, guidelines for the City of Las Vegas pertaining those
143 who serve at the Legislature who are City employees. Five, a uniformity of range of penalty for
144 behavior, which is antithetical to the best interest of the City of Las Vegas. Additionally, I will
145 ask the Clerk to place as a line item the issue of ratification of Ms. Segerblom's termination by
146 the Manager, if that is in fact the case, and as I said, I'm relying on rumor for that, at the next
147 Council meeting or as soon thereafter as is possible, pursuant to 3.210.

148 I will also ask that a review of possible violations of the Hatch Act be requested by the Office of
149 Special Counsel in Washington D.C., and basically we'll play it from there, as far as what the
150 evidence will suggest. What I plan to do is everybody who wants to speak will have the
151 opportunity to speak. The principals, however, will have the opportunity to speak while we
152 consider this agenda item and the next agenda item, Item Number 2. The public in Citizen
153 Participation will be welcome to be heard at that point in time.

154 I'd like to call Mr. Snelding forward. I'd ask Ms. Ronemus to administer the oath. At this time
155 also, Ms. Ronemus, the record should reflect that I have excused Councilwoman Moncrief who's
156 unavailable and out of town today.

157

158 **BARBAR JO RONEMUS**

159 Thank you.

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VERBATIM TRANSCRIPT – ITEMS 1, 2 AND CITIZEN PARTICIPATION

160

161 **MAYOR GOODMAN**

162 Thank you.

163

164 **BARBARA JO RONEMUS**

165 Raise your hand, please. Do you solemnly swear to tell the truth, the whole truth and nothing but
166 the truth so help you God?

167

168 **RADFORD SNELDING**

169 I do.

170

171 **BARBARA JO RONEMUS**

172 State your name and address for the record, please.

173

174 **RADFORD SNELDING**

175 RADFORD SNELDING, 1190 Morgan Lane, in Pahrump.

176

177 **MAYOR GOODMAN**

178 All right. Mr. Snelding, you are the City Auditor?

179

180 **RADFORD SNELDING**

181 That's correct.

182

183 **MAYOR GOODMAN**

184 And you report to the Council and myself?

185

186 **RADFORD SNELDING**

187 I do.

188

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189 **MAYOR GOODMAN**

190 Independent of the Manager's Office?

191

192 **RADFORD SNELDING**

193 That's correct.

194

195 **MAYOR GOODMAN**

196 And there was a time in the recent past that you were requested to conduct an independent audit
197 to ascertain what took place concerning the Wendell Williams and Sharon Segerblom situation.

198

199 **RADFORD SNELDING**

200 Yes, Sir.

201

202 **MAYOR GOODMAN**

203 All right. And did you conduct as full an investigation as you believe you were capable of?

204

205 **RADFORD SNELDING**

06 Yes, I do.

207

208 **MAYOR GOODMAN**

209 All right. There are certain issues, as I mentioned before, that I believe have not been answered
210 in your report and that causes me some concern and consternation, and I'd like to ask you at this
211 time whether or not you can provide us with information. The first area is, you're familiar with
212 the Barton Policy?

213

214 **RADFORD SNELDING**

215 Yes.

216

217

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VERBATIM TRANSCRIPT – ITEMS 1, 2 AND CITIZEN PARTICIPATION

218 **MAYOR GOODMAN**

219 Why don't you tell us what the Barton Policy is.

220

221 **RADFORD SNELDING**

222 The Barton Policy came about with an agreement with a former City employee who was in the
223 Legislature also whereby that employee agreed, the part that's germane to what we're talking
224 about, that he would be allowed to remain in paid status for eight hours or enough to cover the
225 cost of benefits at the City and the rest of the time while he was in the Legislature he would be on
226 leave without pay.

227

228 **MAYOR GOODMAN**

229 Do you know whether or not that during the Barton Policy there was any verification that in fact
230 the City employee who worked in the Legislature actually worked the eight hours?

231

232 **RADFORD SNELDING**

233 I believe that, as far as working eight hours, there's – another possibility that they could do.
234 They needed to stay in pay status. They could've taken vacation. They could've taken holiday or
235 they could've taken birth, the Birthday Holiday. So, it wasn't necessarily required that they
236 actually performed work. They just had to be in some form a of pay status, which is how that,
237 the practice appeared to be worked, as far as, through the legisl, through the legislative sessions
238 up through the end of or up until the 2001 legislative session.

239

240 **MAYOR GOODMAN**

241 Did there come, go ahead.

242

243 **RADFORD SNELDING**

244 No. I was just going to say, it could be – worked time, but more often than not it was charged as
245 vacation time.

246

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247 **MAYOR GOODMAN**

248 And the purpose of this was to create a situation where the City employee who was serving in the
249 legislature would be able to retain their insurance and other City benefits. Is that correct?

250

251 **RADFORD SNELDING**

252 They could, let – me answer it this way. They could have retained their benefits if they would
253 have paid for it. It just allowed them to stay in a pay status so that they would earn enough
254 money that it would cover the benefits and they wouldn't have to pay it out of their pocket.

255

256 **MAYOR GOODMAN**

257 All right. In other words, they could have taken a leave of absence from the City and then
258 compensated the City under a COBRA type provision in order to keep their insurance intact.

259

260 **RADFORD SNELDING**

261 Yeah. I believe they could have.

262

263 **MAYOR GOODMAN**

264 And they would also have been able to keep their City status intact under that type of process.

265

266 **RADFORD SNELDING**

267 I believe they, I believe that is correct.

268

269 **MAYOR GOODMAN**

270 All right. There came a time, though, that this Barton Policy no longer was being followed. Is
271 that correct?

272

273 **RADFORD SNELDING**

274 That's correct.

275

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276 **MAYOR GOODMAN**

277 When was that?

278

279 **RADFORD SNELDING**

280 That started, generally before the 2001 legislative session the Barton Policy was in effect. In the
281 2001 legislative session it changed.

282

283 **MAYOR GOODMAN**

284 What was the change?

285

286 **RADFORD SNELDING**

287 The change was that there was more time in pay status than just the eight hours to cover the cost
288 of benefits.

289

290 **MAYOR GOODMAN**

291 In other words, there was a request for salary for sick leave after the Barton Policy was changed.

292

293 **RADFORD SNELDING**

294 Yes. The other status that someone would be is leave without pay, and the leave without pay
295 went down and the pay status went up. In other words, they were being paid for time at the
296 legislature for one reason or another as opposed to just that one – eight-hour period.

297

298 **MAYOR GOODMAN**

299 Do you know what caused the Barton Policy to be bridged?

300

301 **RADFORD SNELDING**

302 No, we don't. We talked to all of the principals, except for one. There was one –

303

304

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305 **MAYOR GOODMAN**

306 Who did you speak to about it?

307

308 **RADFORD SNELDING**

309 Let's see. We spoke to the current City Manager, the current –

310

311 **MAYOR GOODMAN**

312 Please identify people by name for this purpose.

313

314 **RADFORD SNELDING**

315 Okay. We stopped, we talked to Doug Selby. We talked to – Betsy Fretwell. We discussed it
316 with Steve Houchens. We discussed it with former City Manager Virginia Val, Valentine. We
317 discussed it with Wendell Williams. We discussed it with Sharon Segerblom and I believe that
318 was the extent. The one person we did not talk to about it was Morse Arberry.

319

320 **MAYOR GOODMAN**

321 Were you able to draw any kind of conclusion as a result of the interviews that you did conduct?

322

323 **RADFORD SNELDING**

324 No. We could not determine why the Policy was abandoned.

325

326 **MAYOR GOODMAN**

327 Why? Why couldn't you make that determination after interviewing these witnesses?

328

329 **RADFORD SNELDING**

330 None of them knew why it was.

331

332 **MAYOR GOODMAN**

333 All right. Did you find –

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334

335 **RADFORD SNELDING**

336 The one person that I believe, Mr. Mayor, the one person I believe might have known was the
337 one that the original policy was signed with, which was Morse Arberry. He was scheduled to
338 come in and talk to us but never made the meeting. That's what caused us to have a scope
339 limitation and limit on – getting at least some of the answers that – we would have like to have
340 had.

341

342 **MAYOR GOODMAN**

343 All right. Do you, you are unable to say then whether anybody was complicit with any kind of
344 certainty, as far as this change of procedure?

345

346 **RADFORD SNELDING**

347 No. I can't do that. No one – admitted to authorizing it and –

348

349 **MAYOR GOODMAN**

350 Do you – have the power to require polygraphs?

51

352 **RADFORD SNELDING**

353 No.

354

355 **MAYOR GOODMAN**

356 Do you have the power to place those who you're interviewing under oath?

357

358 **RADFORD SNELDING**

359 No.

360

361

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361 **MAYOR GOODMAN**

362 All right. I'd like to go to the next point. What were the circumstances surrounding the
363 promotion of Mr. Williams? I'd like to find out whether or not, do you have information, which
364 would suggest that because Mr. Williams did a good job, which was beneficial to the City of Las
365 Vegas concerning the Annexation Bill whether his promotion was as a reward for that?

366

367 **RADFORD SNELDING**

368 We talked to a number of people related – to that. Once again, one of the people who was
369 primary in signing, there was really two parts to this issue. There was – a CDAP. The, it's the
370 Career Development Action Plan, the CDAP, where your, where the employee is – rated and then
371 the, a possible or there is the possibility of receiving a raise. That was completed. At that, when
372 that was done, the CDAP was signed, once again, by Mr. Arberry because he was Mr. Williams'
373 supervisor. And he is one person that we were not able to speak to regarding that. We all, but
374 we did speak to Sharon Segerblom who stated that – she was not in favor of the promotion,
375 although, and the raise. There was a raise listed on the CDAP, but Mr. Williams was at the top
376 of his range and couldn't receive any additional funds. And as a result of that we believe that
377 that's why the promotion was given, where he was raised from a Senior Planner to an
378 Administrative Officer.

379

380 **MAYOR GOODMAN**

381 Do you know at whose instance the promotion was – made?

382

383 **RADFORD SNELDING**

384 We, I don't know for a fact who it was because there was –

385

386 **MAYOR GOODMAN**

387 What information did you receive about why the promotion took place?

388

389

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390 **RADFORD SNELDING**

391 As – I said, he was limited on – his ability to receive any salary increase and so, I believe that's
392 why the promotion was given. It was stated by Sharon Segerblom that – that was at the instance
393 of the City Manager, which would be Virginia Valentine. And we talked to her and she
394 absolutely denied that to be the case. She further stated that she would not have gone down four
395 to five levels in supervision to intervene in someone receiving a promotion. She said she didn't
396 do it.

397

398 **MAYOR GOODMAN**

399 She being Ms. Valentine said that she did not do it.

400

401 **RADFORD SNELDING**

402 That's correct.

403

404 **MAYOR GOODMAN**

405 So, Ms. Segerblom said that she didn't do it. Ms. Valentine said she didn't do it.

406

407 **RADFORD SNELDING**

408 That's correct.

409

410 **MAYOR GOODMAN**

411 This is the Immaculate Conception agreement. Is that it?

412

413 **RADFORD SNELDING**

414 Well, the one person we couldn't talk to was Mr. Arberry who was Mr. Williamis' supervisor.

415

416 **MAYOR GOODMAN**

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417 Were you able to gather any information whatsoever about whether this was a quit pro quo, this
418 promotion, or the attempt at a raise for the services that Mr. Williams rendered up at the
419 Legislature on behalf of the City.

420

421 **RADFORD SNELDING**

422 Now this was – an issue that Mr. Williams brought up and we did try to check into that. We
423 talked to all of the – principals that would be involved in it, which would be the City Manager,
424 which would be Virginia Valentine. At that time it would have been Steve Houchens who was
425 the Deputy City Manager, the department Director, which would be Sharon Segerblom. And we
426 also talked to the Director of Human Resources to find out if she knew anything about the
427 genesis of that. And both Mr. Houchens and – Ms. Enus said they could not remember, they
428 couldn't recall the circumstances that brought that about and no one knew.

429

430 **MAYOR GOODMAN**

431 All right. The next area. There came a time after there was a request by the media concerning
432 certain records that Mr. Williams went to Mr. Vincent's office, with our Department of Finance
433 and amended certain of his time records and cell records and the like. Do you know who
34 suggested that and why that took place?

435

436 **RADFORD SNELDING**

437 The, no, I don't – know the answer to that because we specifically did not look into who it was
438 that made that suggestion. We know that that happened and we know some circumstances
439 surrounding the cell records. But –

440

441 **MAYOR GOODMAN**

442 Do – you know whether there was any verification of the – second submission, the amended
443 submission by Mr. Williams to see whether or not that was consistent with the – truth.

444

445

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446 **RADFORD SNELDING**

447 We did ask Mr. Williams that question and he said that he did sign the time, amended time cards,
448 but he maintained that the time that he reported was the time he worked and the time that was
449 amended was incorrect.

450

451 **MAYOR GOODMAN**

452 So, in other words he claimed that the original submission was accurate, but the amended
453 submission was inaccurate.

454

455 **RADFORD SNELDING**

456 That's correct.

457

458 **MAYOR GOODMAN**

459 And the payment agreement was worked out on the amended submission. Is that correct?

460

461 **RADFORD SNELDING**

462 That's correct.

463

464 **MAYOR GOODMAN**

465 And –

466

467 **RADFORD SNELDING**

468 That's my understanding. We didn't do a great deal of work on that.

469

470 **MAYOR GOODMAN**

471 All right. Do you know how that came about where there was an agreement that there would be
472 a repayment by Mr. Williams over a period of time –

473

474

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475 **RADFORD SNELDING**

476 The only thing I know –

477

478 **MAYOR GOODMAN**

479 – of these monies?

480

481 **RADFORD SNELDING**

482 – Mr. Mayor, the only thing I know about that is that agreement did take place. I don't know the
483 details of that. I'm more familiar with the cell phone issue.

484

485 **MAYOR GOODMAN**

486 All right. I'd like to call your attention to the Last Chance Agreement. Were you able to
487 ascertain that in fact the Last Chance Agreement was effectuated without the participation of the
488 City Attorney's Office?

489

490 **RADFORD SNELDING**

491 Yes, I did determine that.

492

493 **MAYOR GOODMAN**

494 Was that unusual?

495

496 **RADFORD SNELDING**

497 That was unusual. In the history that we've used Last Chance Agreement there's only been two
498 occasions where it was used for a non-bargaining unit employee. One of them was Mr.
499 Williams; another was another City Manager's Office employee. And it was unusual because
500 generally speaking that bargain, when is dealing with a bargaining unit there's a City Attorney
501 present when that's being administered or at least reviewing it as a matter of course. So, the City
502 Attorney's Office did not review that.

503

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504 **MAYOR GOODMAN**

505 Was it unusual that the Last Chance Agreement was executed at Mr. Williams' home rather than
506 in City Hall?

507

508 **RADFORD SNELDING**

509 I don't know that. I don't think it would necessarily be, but I don't know that for certain.

510

511 **MAYOR GOODMAN**

512 All right. Did you find out why the City Attorney wasn't involved in the process?

513

514 **RADFORD SNELDING**

515 I think it had, in discussing that with Mr. Selby, we talked about that and I think the timing of it
516 was – an issue because Sharon Segerblom was leaving the country and there was a very short
517 time frame. And I believe, as I recall, the – City Manager said that he wanted her to administer
518 it.

519

520 **MAYOR GOODMAN**

521 Okay. Are you participating in our Fraud process, our Fraud Committee process?

522

523 **RADFORD SNELDING**

524 Yes.

525

526 **MAYOR GOODMAN**

527 Have the items that have been gathered turned over to our City Marshall, Mr. Sheldon?

528

529 **RADFORD SNELDING**

530 They will be, yes, they will be turned over on Monday, next Monday.

531

532

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November 25, 2003**

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533 **MAYOR GOODMAN**

534 All right. Do you know whether or not the Justice Department has been contacted concerning an
535 investigation, it would be the office of investigation, I guess, concerning a Hatch Act violation?

536

537 **RADFORD SNELDING**

538 I don't know that. I assume that that's the case because that was referred to the City Attorney's
539 Office.

540

541 **MAYOR GOODMAN**

542 All right. Do any of my Council members have any questions of Mr. Snelding at this time?

543

544 **COUNCILWOMAN McDONALD**

545 Yes, Your Honor.

546

547 **MAYOR GOODMAN**

548 Yes, Councilwoman.

549

550 **COUNCILWOMAN McDONALD**

551 Do we have, I guess the copy of the promotion, documentation was that, do you have the actually
552 copy or –

553

554 **RADFORD SNELDING**

555 Yes.

556

557 **COUNCILWOMAN McDONALD**

558 – whose – signatures were on there?

559

560 **RADFORD SNELDING**

561 Yes, I do.

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562

563 **COUNCILWOMAN McDONALD**

564 Is that something that can be distributed to the City Council?

565

566 **RADFORD SNELDING**

567 I only have one copy and it's our copy we have in our work papers, but we can make it available
568 to you

569

570 **MAYOR GOODMAN**

571 Are you able to show it to us now?

572

573 **RADFORD SNELDING**

574 I believe we have it up here.

575

576 **MAYOR GOODMAN**

577 All right. Could you please pass it up here so we could review it?

578

579 **RADFORD SNELDING**

580 Okay. This document is referred to, as Item 411 is actually the – CDAP, the 12-month follow up
581 report that has to do with the raise. The second is 412, which is the actually EPR that relates to
582 the promotion.

583

584 **COUNCILWOMAN McDONALD**

585 And is it possible just to verify the signatures for the record?

586

587 **MAYOR GOODMAN**

588 Yes, certainly. It would appear that, I haven't seen a signature like this since John Hancock. Do
589 you know who signed – these?

590

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591 **RADFORD SNELDING**

592 Yes, I believe we –

593

594 **MAYOR GOODMAN**

595 Let's talk about the – one concerning the raise. It was signed, apparently, by Mr. Williams.

596

597 **RADFORD SNELDING**

598 Yes.

599

600 **MAYOR GOODMAN**

601 And do you know whose signature? Is that the supervisor?

602

603 **RADFORD SNELDING**

604 I believe that's Mr. Arberry.

605

606 **MAYOR GOODMAN**

607 All right. And then on the next page, appointive employees only, it talks in terms of the
608 employee that would be Mr. Williams' signature there.

609

610 **RADFORD SNELDING**

611 Yes.

612

613 **MAYOR GOODMAN**

614 Mr. Arberry is under Supervisor.

615

616 **RADFORD SNELDING**

617 Yes.

618

619

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620 **MAYOR GOODMAN**

621 Division Manager nobody and then Department Director is that Ms. Segerblom?

622

623 **RADFORD SNELDING**

624 I believe it is.

625

626 **MAYOR GOODMAN**

627 All right. Thank you.

628

629 **COUNCILWOMAN McDONALD**

630 And then, Your Honor, on this Human Resources Employee Position Request it appears to be

631 signed by, I guess, City Man, Deputy City Manager Houchens. Do you have any comments that

632 you'd like to offer for the record and?

633

634 **STEVE HOUCHENS**

635 I'm not sure which comments you would like at this time.

636

637 **MAYOR GOODMAN**

638 All right. We could –

639

640 **COUNCILWOMAN McDONALD**

641 Just the justification of the position.

642

643 **MAYOR GOODMAN**

644 When we ask, with all due respect, if you want to call Mr. Houchens, you're welcome to do it. I

645 want everybody under oath on this.

646

647 **COUNCILWOMAN McDONALD**

648 Oh, okay. I'll stick with –

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649

650 **MAYOR GOODMAN**

651 Right stick with Mr. Snelding, please.

652

653 **COUNCILWOMAN McDONALD**

654 – Mr. Snelding then I'll ask Deputy City Manager.

655

656 **MAYOR GOODMAN**

657 Thank you.

658

659 **COUNCILWOMAN McDONALD**

660 I guess – I'm not exactly sure if you would be able to answer this question as well, and it may be
661 a question for our Human Resources or the City Manager's Office, if we've never had Last
662 Chance Agreements in the past, how have appointive employees who have violated City rules
663 been disciplined in the past?

664

665 **RADFORD SNELDING**

666 I can't answer that. I think that probably the – Human Resources Director or the City Manager's
667 Office might be able to answer that.

668

669 **COUNCILWOMAN McDONALD**

670 Cause I'd like an answer to that question, Your Honor.

671

672 **MAYOR GOODMAN**

673 Very good. Thank you. All right. Councilman Weekly?

674

675 **COUNCILMAN WEEKLY**

676 Yes, Sir. I'd just like to ask, well, first of all I'd like to make a comment and say, as I sit here I
677 read your re, your findings in your report and listening to, I guess, some of the questions that

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678 you're answering here today, I guess I'm finding a lot of gaps in your findings. But I guess it
679 clearly paints the scenario that there are a whole lot of other people involved in this whole
680 scenario here. But I guess, one of my questions that I'd like to ask is when you were
681 investigating or interviewing individuals, was there ever a discussion of annexation, cause I'd
682 like for that to be clarified for the record because I'd like to know. I had some inquiries about
683 how the Doolittle Community Center came about, and I just want to know that did annexation
684 have anything to do with it? Because Assemblyman Wendell Williams, his District overlaps the
685 District that I represent, as do Senator Joe Neal, who's sitting right there, as do Regent Linda
686 Howard who's sitting out in the audience, as do Commissioner Yvonne Atkinson Gates, as do
687 the School Board Trustees, as to the State Board of Representative. All of our areas overlap one
688 another. And so, there are times when we do talk about things that are going on in our District.
689 But I want to know, because it seemed like this became a point of how Doolittle came about.
690 Was the Annexation Bill passed or was he asked to support, did you find this in your findings,
691 was he asked to support the Annexation Bill, and if he did the Doolittle Community Center
692 would benefit from it, because that's very, very new to me.

693
694 **RADFORD SNELDING**
695 The issue did come up. When we had our interview with Mr. Williams that was one of the, at
696 least he broached that issue, so we did look at it. We talked to Mr. Williams. We talked to, let
697 see, we talked to, the City, we talked to all in the City Manager's Office. We talked to Sharon
698 Segerblom about that and we took that and looked at it. You notice it is not in the report. The
699 reason it's not in the report is that only the things that – we believe were sustained as an issue
700 ended up in the report. As we looked at this, we also talked, related to the Annexation Bill, we
701 also talked to the Head Lobbyist, which was Marvin Leavitt. We talked to two other lobbyists at
702 the same time. This all took place in the 2000 Legislative Session. We talked to two other
703 lobbyists that worked for the City. We talked to Janelle Kraft and we talked to Dan Musgrove –
704 and we also talked to Virginia Valentine about that, asking those questions.
705 What we did – is we took the information that Mr. Williams provided with us and tried to
706 independently verify it. The reason that is not in the report is that we were unable to sustain it as

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707 independently of what he said. And so, we did not include it in the report. The issue that you're
708 speaking of with the Doolittle Center did come up, and we did look at that. And in that case, I
709 talked to you, specifically –

710

711 **COUNCILMAN WEEKLY**

712 Right.

713

714 **RADFORD SNELDING**

715 – about that and got the information that you had related to that. And once again, it's a situation
716 where what we were told in one case we could not independently verify. So, we rather than
717 putting information in the report that we couldn't verify, we tried to stick with those things that
718 we could independently verify. So, that's why it's not in there.

719

720 **COUNCILMAN WEEKLY**

721 Cause, I tell you something, Mayor, I – personally believe that there were conversations dealing
722 with the Assemblyman in reference to the Annexation Bill, because, I think, that the City at that
723 time was having some issues with getting that bill passed. Now, what it had to do with the
724 Doolittle Community Center I – I'd like to know that because if a promise was made to him that
725 it would be a benefit to him as well that the Doolittle Community Center be rebuilt or refurbished
726 or remodeled and that would be a reward to him as well, it would get support from this Council,
727 that should have been in your findings. And I – thought that that was left out, being that it
728 became a media issue.

729

730 **MAYOR GOODMAN**

731 All right. Any other questions? Councilman Mack.

732

733 **COUNCILMAN MACK**

734 Thank you, Your Honor. In relation to some of the fraud issues that you brought forward, Rad, I
735 know when we interviewed you and you came out of Shreveport, Louisiana, one of the things

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736 that struck me that you enacted in Shreveport was a Fraud Hot Line, and it seemed to be a benefit
737 to the Shreveport City. Can you elaborate a little bit how that functioned and do you think that
738 could function at the City of Las Vegas?

739

740 **RADFORD SNELDING**

741 Well, I think there's a number of hotlines that are out there available. For one – thing, some of
742 the org, some organizations for exam, example (sic) the Association of Certified Auditors, they
743 actually man their own hotline that they commercially allow either companies or jurisdictions to
744 use and they use their own people to man it and take, make an, the intake of calls related to fraud
745 waste and abuse and then they pass them on to that organization. We didn't have that kind of a
746 budget, so, we – did that, we did have a Fraud Hotline. It was – located inside the city auditor's
747 office in, at the City of Shreveport, and it was – pretty effective. It was very low cost. We got a
748 lot of – calls. I'd say that probably half the calls we were able to clear almost immediately
749 because they were a matter of someone trying to create a problem for a boss or a co-worker and
750 those were very easy to check out.

751 One of the things that we looked at specifically, I think, has to do with some of the issues that are
752 here. We had to have specific issues to deal with that we could check out. General statements
753 and general feelings and things like that have no substance that we can find and there's really no
754 place for us to go and check it out if there's enough specific information whether it gives us an
755 opportunity to look at it.

756

757 **COUNCILMAN MACK**

758 Thank you.

759

760 **MAYOR GOODMAN**

761 Thank you. Councilman Brown?

762

763

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763 **COUNCILMAN BROWN**

764 Thank you, Your Honor. Just some procedural questions on these two documents. One is the
765 CDAP and this is a separate document from the Position Request Form –

766

767 **RADFORD SNELDING**

768 Yes.

769

770 **COUNCILMAN BROWN**

771 – for these. On, and I'm not sure if you're able to answer it, but somewhere down the road it
772 needs to be on the CDAP and that's the 12-month annual review, is a recommended increase of
773 6%. That is crossed out with the words "topped out" written on it. I guess, the first question
774 would be, who crossed it out acknowledging that the employee's topped out?

775

776 **RADFORD SNELDING**

777 I don't know the answer to that.

778

779 **COUNCILMAN BROWN**

780 And the other question, and again, I'm not sure if you know it, but I'd like it on the record is, by
781 signature dates the employee signs off on November 9th, the supervisor signs off on November
782 9th, and the department director signs off on November 13th, on the CDAP. On the position
783 request, it has a date initiated of 11/9 and I don't think it says in here who initiated that on 11/9,
784 but I, I'd also like that question answered, cause it doesn't fit from a timetable with the CDAP.
785 And the other question would be, although it says an annualized fiscal impact between \$5,000
786 and \$25,000, a City Manager or a Deputy City Manager signature required. And there is, as was
787 noted, the Deputy City Manager signature. Does that assume that these three signatures on the
788 CDAP would also be recommending or initiating the position request? And per, and perhaps
789 those are – best left for the Human Resources Director, but I need to know the relationship
790 between these documents.

791

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792 **RADFORD SNELDING**

793 In our – interviews, it was – indicated to us that the EPR or the Promotion Request grew out of
794 the fact that the employee was topped out in his – salary grade. But we could not determine who
795 – said that and who pushed that. The one thing that we did, and – I know you're going, you talk,
796 you're going to talk to Deputy Manager Steve Houchens, but when we discussed it, his name is
797 on there and we asked him. He said he didn't have any specific recollection of that, but he did
798 make the statement that it should be at that level, at his level that that should've – taken place,
799 that that request should have come. With the exception, there are some exceptions where Human
800 Resources would do that in order to, for a parity or equality with other job classifications and
801 other employees. So –

802

803 **COUNCILMAN BROWN**

804 It's –

805

806 **RADFORD SNELDING**

807 – and that is pretty much what I know about it.

808

809 **COUNCILMAN BROWN**

810 It's certainly difficult to document verbal conversations that obviously transpired in and around
811 November 9th. But the dates on those two documents, there's a discrepancy. So, I guess, the
812 specific question would be, do we know or have the ability to find out who initiated the
813 promotional request. The dates, the date's there. I think it's –

814

815 **RADFORD SNELDING**

816 The 9th was the CDAP, and the 9th was the same time that the EPR was initiated and the 13th was
817 the time that Sharon Segerblom signed the –

818

819 **COUNCILMAN BROWN**

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820 In the up right-end corner of that position request form the date that it was initiated that indicates
821 11/9?

822

823 **RADFORD SNELDING**

824 It does?

825

826 **COUNCILMAN BROWN**

827 Thank you. Thank you, Your Honor.

828

829 **MAYOR GOODMAN**

830 All right. Thank you. Any other questions? Councilwoman.

831

832 **COUNCILWOMAN McDONALD**

833 Just one last question of the Auditor. Did any of the principals involved in the audit have a
834 chance to offer a rebuttal to your findings?

835

836 **RADFORD SNELDING**

837 We, generally speaking, don't ask for a – response on a special report. We did review it,
838 indicate, we did review the findings through interviews with Mr. Williams, and we also reviewed
839 some of the findings dealing directly with the City Manager's Office. We talked to them
840 specifically about it. Sharon Segerblom, we did not have a second meeting with her, but by the
841 time we met with her the first time, virtually all the issues were pretty much out on the table.
842 And most of our interview centered on trying to find out what her story was, what her side of it
843 was, asking her to give us information so that we could check it out. So, although we didn't go
844 back and meet with her, the issues that, the issues, I believe, show up in the report, were known
845 at that time and we – tried to obtain a rebuttal at that time. So, to answer your question, in the
846 case, indirectly we did with Mr. Williams, indirectly we did with the City Manager's Office and
847 with that one exception, in a fashion we did with Sharon Segerblom. But, once again, generally
848 speaking, with a special report, we don't necessarily seek some type of response.

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849

850 **COUNCILWOMAN McDONALD**

851 Thank you.

852

853 **MAYOR GOODMAN**

854 Thank you. Anything else? All right. Thank you, Mr. Snelding. I think the record might reflect
855 that you do not have the tools available to you that other investigative agencies might have in
856 order to get to the bottom of this. And basically, I guess, the best way to sum up your – task was
857 that your staff went out, they assembled records and interviewed witnesses. That's the best they
858 could do, but they couldn't force people to testify under oath and to get to the bottom of what
859 we're interested in and what we're going to correct as the City Council. Is that a fair statement?

860

861 **RADFORD SNELDING**

862 That's a fair statement.

863

864 **MAYOR GOODMAN**

865 All right. Thank you. All right. Mr. Houchens, I believe that the Councilwoman wanted to ask
866 you a question or two.

867

868 **BARBARA JO RONEMUS**

869 Do you solemn swear to tell the truth, the whole truth and nothing but the truth so help you God?

870

871 **STEVE HOUCHENS**

872 I do.

873

874 **BARBARA JO RONEMUS**

875 Give your name and address for the record.

876

877

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878 **MAYOR GOODMAN**

879 Mr. Houchens are you a Deputy City Manager, is that correct?

880

881 **STEVE HOUCHENS**

882 That's correct, Your Honor.

883

884 **MAYOR GOODMAN**

885 And you participated in the process where Mr. Williams received a promotion after the

886 Legislative Session in which the Annexation – Bill was passed?

887

888 **STEVE HOUCHENS**

889 I approved the employee action request.

890

891 **MAYOR GOODMAN**

892 And that was for a promotion?

893

894 **STEVE HOUCHENS**

895 Yes, it was.

896

897 **MAYOR GOODMAN**

898 Do you know who made that request of you?

899

900 **STEVE HOUCHENS**

901 The request is a process comes typically from the department head. Human Resources would

902 review it and then submit it to the Deputy Manager for approval.

903

904 **MAYOR GOODMAN**

905 Okay. The –

906

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907 **STEVE HOUCHENS**

908 So, that it would have been initiated, most likely, by the department.

909

910 **MAYOR GOODMAN**

911 The area – that I'm a little concerned about, and I haven't mentioned this yet, is, and I'm going to
912 turn it over to you, Councilwoman in a moment, but we had a hiring freeze on here, did we not?

913

914 **STEVE HOUCHENS**

915 That's correct.

916

917 **MAYOR GOODMAN**

918 And during this period of time, correct?

919

920 **STEVE HOUCHENS**

921 That's correct.

922

923 **MAYOR GOODMAN**

924 And there was a process that was being utilized in order for us to ascertain whether or not
925 somebody should be hired or promoted, was there not?

926

927 **STEVE HOUCHENS**

928 The hiring freeze deals with new, with filling existing vacancies. It doesn't deal with –

929

930 **MAYOR GOODMAN**

931 It doesn't have nothing at all to do with promotions?

932

933 **STEVE HOUCHENS**

934 That's correct, unless it's to a vacant position. But it would not be involved where you are
935 reclassifying a position.

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936

937 **MAYOR GOODMAN**

938 All right. Was anybody put in place of Mr. Williams in his prior position before he was
939 promoted?

940

941 **STEVE HOUCHENS**

942 It's the same position. It was upgraded from, I believe, a Senior Manager, Senior Management
943 Analyst to the current position.

944

945 **MAYOR GOODMAN**

946 All right. Councilwoman.

947

948 **STEVE HOUCHENS**

949 So, there was no vacancy left by that.

950

951 **COUNCILWOMAN McDONALD**

952 And I think it would just be helpful for the public and, to understand too that it's not uncommon
953 that if you have an employee, maybe they're a Management Analyst One or whatever their
954 appointive position may be that that has been yet another way of being able to provide additional
955 compensation for that individual?

956

957 **STEVE HOUCHENS**

958 That is – correct. Oftentimes what will happen is the individual will also receive new
959 assignments. I believe on the EPR form in the description it talks about extended assignments
960 that would warrant this particular promotion.

961

962 **COUNCILWOMAN McDONALD**

963 And so, do you have any, I guess, recollection of the department director had not signed that form

964 –

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965

966 **STEVE HOUCHENS**

967 The –

968

969 **COUNCILWOMAN McDONALD**

970 – how that would continue moving through the pipeline?

971

972 **STEVE HOUCHENS**

973 Yeah. The form is an electronic submission to the Human Resources Department. The Human
974 Resources Department will evaluate the request in conjunction with the realignment
975 responsibilities and either approve or, they'll either approve it and move it on to the City
976 Manager or it won't go forward.

977

978 **COUNCILWOMAN McDONALD**

979 So, since it's electronic, I think that's very helpful to know as well, is there a way that we can go
980 back and verify where that request was initiated from to Human Resources.

981

982 **STEVE HOUCHENS**

983 I believe –

984

985 **COUNCILWOMAN McDONALD**

986 – electronically.

987

988 **STEVE HOUCHENS**

989 I believe there – is and I would probably defer that question to Ms. Enus, our Human Resources
990 Director.

991

992

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VERBATIM TRANSCRIPT – ITEMS 1, 2 AND CITIZEN PARTICIPATION

992 **COUNCILWOMAN McDONALD**

993 And Your Honor, I just thought that if this is a process that occurs electronically, to me, it makes
994 sense to go back and verify through our Information Technology Department from whose
995 desktop or system that request was initiated.

996

997 **MAYOR GOODMAN**

998 All right. Thank you. Any other questions? All right, thank you Mr. Houchens.

999

1000 **STEVE HOUCHENS**

1001 Thank you.

1002

1003 **MAYOR GOODMAN**

1004 I appreciate it. Would the Council like to call any other City employees at this time?
1005 Councilwoman?

1006

1007 **COUNCILWOMAN McDONALD**

1008 City Manager.

1009

1010 **MAYOR GOODMAN**

1011 All right. Mr. Selby?

1012

1013 **BARBARA JO RONEMUS**

1014 Do you solemn swear to tell the truth, the whole truth and nothing but the truth so help you God?

1015

1016 **DOUG SELBY**

1017 I do.

1018

1019 **MAYOR GOODMAN**

1020 Please state your name.

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1021

1022 **DOUG SELBY**

1023 Doug Selby, City Manager.

1024

1025 **MAYOR GOODMAN**

1026 All right. Mr. Selby, you are the City Manager and you were the City Manager at all times for,
1027 well that's not accurate. When did you become the City Manager?

1028

1029 **DOUG SELBY**

1030 In September of last year.

1031

1032 **MAYOR GOODMAN**

1033 Okay. In September of 2002?

1034

1035 **DOUG SELBY**

1036 Yes.

1037

1038 **MAYOR GOODMAN**

1039 Prior to that time were you employed by the City?

1040

1041 **DOUG SELBY**

1042 Yes. I was a Deputy City Manager.

1043

1044 **MAYOR GOODMAN**

1045 And who was your predecessor as the Manager?

1046

1047 **DOUG SELBY**

1048 Virginia Valentine.

1049

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1050 **MAYOR GOODMAN**

1051 All right. Now, if in fact we're going to ask you about job performance, I would give you, is that
1052 what you're going to inquire into, Councilwoman?

1053

1054 **COUNCILWOMAN McDONALD**

1055 About the Last Chance Agreement and how we've handled discipline matters for appointive
1056 employees in the past.

1057

1058 **MAYOR GOODMAN**

1059 If it's going to be limited to that do you desire to go into a personnel session or?

1060

1061 **DOUG SELBY**

1062 No. I'll – answer that –

1063

1064 **MAYOR GOODMAN**

1065 All right. Thank you.

1066

1067 **DOUG SELBY**

1068 – to the best of my ability.

1069

1070 **MAYOR GOODMAN**

1071 Very good. Okay. There came a time that you had investigated allegations concerning, quote,
1072 double dipping, end quote, by Mr. Williams having being employed by the City of Las Vegas, as
1073 well as allegations concerning Sharon Segerblom's complicity or alleged complicity, so the
1074 record's perfectly clear on that, as far as participating in this process of being paid both by the
1075 City of Las Vegas as well as by the Legislature?

1076

1077 **DOUG SELBY**

1078 I was involved in that, yes.

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1079

1080 **MAYOR GOODMAN**

1081 Okay. And you – drew certain conclusions as a result of your investigation. The area that you
1082 investigated pertained to events in the two thousand and three legislature. Correct?

1083

1084 **DOUG SELBY**

1085 That's correct.

1086

1087 **MAYOR GOODMAN**

1088 You did not investigate, at the point in time that you entered into the Last Chance Agreement
1089 allegations of improprieties with, in the 2001 Legislature.

1090

1091 **DOUG SELBY**

1092 Correct.

1093

1094 **MAYOR GOODMAN**

1095 And you made a decision, did you not, that a Last Chance Agreement was appropriate in Mr.
1096 Williams' case and that he would suffer certain consequences, as far as being suspended for a
1097 period of time and making recompensation to the City, and in addition to that, you wanted him to
1098 sign the Last Chance Agreement?

1099

1100 **DOUG SELBY**

1101 If – I may clarify the process.

1102

1103 **MAYOR GOODMAN**

1104 Please. Please

1105

1106

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1106 **DOUG SELBY**

1107 I became involved when I became aware that a reimbursement program had been entered into for
1108 past time sheet and cell phone issues. At that point I requested Ms. Segerblom and Claudette
1109 Enus to come to my office to discuss appropriate discipline for those infractions. Is my opinion
1110 that simply reimbursement was insufficient. Out of those discussions came the idea of additional
1111 discipline and the issue of a Last Chance Agreement, and I freely admit that the Last Chance
1112 Agreement was my idea. It was drafted by the Human Resources Department. I represent to you
1113 that it, it's simply a tool in a toolbox of personnel management. In – this case the employee had
1114 no previous disciplinary record. There was restitution being made. The Last Chance Agreement
1115 served the purpose of putting the employee on notice that his performance be closely monitored
1116 and any further infractions or problems would result in dismissal and that he would accept that
1117 dismissal without protest.

1118

1119 **MAYOR GOODMAN**

1120 All right. Was the City Attorney called into the process?

1121

1122 **DOUG SELBY**

1123 No.

1124

1125 **MAYOR GOODMAN**

1126 Why?

1127

1128 **DOUG SELBY**

1129 Well, not to my knowledge. I do not know if Human Resources consulted with the City Attorney
1130 on the crafting of the Last Chance Agreement.

1131

1132 **MAYOR GOODMAN**

1133 And the Last Chance Agreement was taken out to Mr. Williams' home. Is that correct.

1134

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1135 **DOUG SELBY**

1136 I believe so.

1137

1138 **MAYOR GOODMAN**

1139 Were you a party to that?

1140

1141 **DOUG SELBY**

1142 No, I was not.

1143

1144 **MAYOR GOODMAN**

1145 All right. Has the Last Chance Agreement, you don't have to tell us what City employee may
1146 have also been involved with Last Chance Agreements, but have Last Chance Agreements been
1147 utilized on prior occasions by the City?

1148

1149 **DOUG SELBY**

1150 Yes.

1151

1152 **MAYOR GOODMAN**

1153 Is there a policy that it would be utilized only when there's an issue of substance abuse?

1154

1155 **DOUG SELBY**

1156 To my recollection, we have used it for other purposes as well.

1157

1158 **MAYOR GOODMAN**

1159 Do you know why Mr. Snelding concluded that it was used when an employee engaged in
1160 substance abuse and this gave him a second chance to straighten out his problem?

1161

1162 **DOUG SELBY**

1163 It – has been used for that purpose, but I do not know the source of Mr. Snelding's information.

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1164

1165 **MAYOR GOODMAN**

1166 Okay. Councilwoman?

1167

1168 **COUNCILWOMAN McDONALD**

1169 I guess, with the question that we all come back to and we never want to second guess your, the,
1170 your leadership because we hire the City Manager. And the question I have, and I think many
1171 people have asked me this question, how were other appointive employees in the past, what types
1172 of disciplines have been given to them for similar offenses?

1173

1174 **DOUG SELBY**

1175 I can honestly say, I don't think we've had anything exactly similar to this. My practice is to
1176 consult with the Human Resources Department to ask them what past discipline has been done
1177 for particular infractions, take their advice and then the – discipline is issued according to
1178 recommendations from HR.

1179

1180 **COUNCILWOMAN McDONALD**

1181 And for, and if you, I guess, broader than this specific instance, have we terminated appointive
1182 employees for violating City policies in the past?

1183

1184 **DOUG SELBY**

1185 We have. Yes.

1186

1187 **COUNCILWOMAN McDONALD**

1188 And what were the natures of, without naming names, of course, but –

1189

1190 **DOUG SELBY**

1191 Well, obviously, for – certain offenses, such as substance abuse, possession of weapons, we've
1192 had cases of – theft, things of that sort.

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1193

1194 **MAYOR GOODMAN**

1195 Thank you. Any other questions of Dr. Selby at this point?

1196

1197 **COUNCILMAN WEEKLY**

1198 I'd like to ask one more question, please.

1199

1200 **MAYOR GOODMAN**

1201 Councilman?

1202

1203 **COUNCILMAN WEEKLY**

1204 Well, first, let me ask you a question. Is there any reason why he didn't go under oath?

1205

1206 **MAYOR GOODMAN**

1207 He did.

1208

1209 **DOUG SELBY**

1210 I did.

1211

1212 **COUNCILMAN WEEKLY**

1213 Oh, he did. Oh, I just wasn't paying attention though. Okay. Let me ask you a question. You

1214 engaged in any conversation with Wendell Williams during all of this, that's going on.

1215

1216 **DOUG SELBY**

1217 I had one conversation with him after the discipline was given to him by Ms. Segerblom.

1218

1219 **COUNCILMAN WEEKLY**

1220 And according to Mr. Williams' word, did you ask Mr. Williams to alter his timecards in order to

1221 minimize any type of media attention?

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1222

1223 **DOUG SELBY**

1224 I did not.

1225

1226 **COUNCILMAN WEEKLY**

1227 You did not. Okay.

1228

1229 **MAYOR GOODMAN**

1230 Any other questions. All right. Thank you, Dr. Selby.

1231

1232 **DOUG SELBY**

1233 Okay.

1234

1235 **MAYOR GOODMAN**

1236 We appreciate it. Does the Council wish to have anybody else employed by the City placed
1237 under oath and subject to questions? I think for fullness of the record, I'd like to call Ms. Enus,
1238 please.

239

1240 **BARBARA JO RONEMUS**

1241 Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

1242

1243 **CLAUDETTE ENUS**

1244 I do.

1245

1246 **BARBARA JO RONEMUS**

1247 State your name.

1248

1249 **MAYOR GOODMAN**

1250 Please state your name.

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1251

1252 **CLAUDETTE ENUS**

1253 Frances Claudette Enus.

1254

1255 **MAYOR GOODMAN**

1256 Ms. Enus, you are the Director of Human Resources, are you not?

1257

1258 **CLAUDETTE ENUS**

1259 Yes, I am.

1260

1261 **MAYOR GOODMAN**

1262 And how long have you been employed by the City of Las Vegas in that capacity?

1263

1264 **CLAUDETTE ENUS**

1265 Just a little over three years.

1266

1267 **MAYOR GOODMAN**

1268 All right. Did you have the occasion to participate in the process' involving Mr. Williams and

1269 Ms. Segerblom as you've heard today?

1270

1271 **CLAUDETTE ENUS**

1272 Yes, I did, Sir.

1273

1274 **MAYOR GOODMAN**

1275 All right. Did you participate in the Last Chance Agreement being served upon Mr. Williams

1276 and his executing the same?

1277

1278 **CLAUDETTE ENUS**

1279 Yes, I did.

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1280

1281 **MAYOR GOODMAN**

1282 All right. Tell us how that came about?

1283

1284 **CLAUDETTE ENUS**

1285 I was called in to a meeting with City Manager Doug Selby and Director Sharon Segerblom, and
1286 there were discussions concerning, I believe it was around September the 25th, if I'm not
1287 mistaken, that the City Manager had decided to move forward with discipline and we discussed
1288 what discipline, and he was the one that suggested the Last Chance Agreement and asked that I
1289 draft that document.

1290

1291 **MAYOR GOODMAN**

1292 Was there any discussion about involving the City Attorney in that process?

1293

1294 **CLAUDETTE ENUS**

1295 No, there was no discussion. The, normally what would have occurred, and this was strictly my
1296 error, and it was the haste and the speed. Our office will most normally work with the City
1297 Attorney's Office and once we've drafted a document, a Last Chance Agreement, and we utilize
1298 them often, we would, it would have been my responsibility to refer to it up to the – City
1299 Attorney's Office. And it was inadvertent and it was on my part. I did not send that up to the
1300 City Attorney's Office once it was drafted. The mainly reason being we were in a time crunch.
1301 Ms. Segerblom was on her way to, headed out of the country that same afternoon. I had been
1302 asked to get the document back in her hands by noon of that day so that she could go to Mr.
1303 Williams' home and review the document with him and attempt to obtain his signature and then
1304 she was scheduled to leave the country that same afternoon or prepare to leave the country.

1305

1306 **MAYOR GOODMAN**

1307 Did you accompany her to the, to the home –

1308

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1309 **CLAUDETTE ENUS**

1310 No, I, no, Sir, I did not.

1311

1312 **MAYOR GOODMAN**

1313 All right. Let's go to a different area. Did you participate at all in the process of Mr. Williams
1314 amending his time cards and phone records with our Finance Director?

1315

1316 **CLAUDETTE ENUS**

1317 No, Sir, I did not.

1318

1319 **MAYOR GOODMAN**

1320 All right. Any other questions of Ms. Enus? All right. Thank you, Ms. Enus. I appreciate it.

1321

1322 **CLAUDETTE ENUS**

1323 Thank you.

1324

1325 **MAYOR GOODMAN**

1326 I'd like to call Mr. Vincent.

1327

1328 **BARBARA JO RONEMUS**

1329 Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you
1330 God.

1331

1332 **MARK VINCENT**

1333 I do.

1334

1335 **BARBARA JO RONEMUS**

1336 Please state your name for the record.

1337

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1338 **MARK VINCENT**

1339 I'm Mark Vincent, Director of Finance and Business Services.

1340

1341 **MAYOR GOODMAN**

1342 Thank you. Mr. Vincent, how long have you been employed by the City of Las Vegas?

1343

1344 **MARK VINCENT**

1345 It will be six years this February.

1346

1347 **MAYOR GOODMAN**

1348 Did you have the occasion to be involved with Mr. Williams concerning any time records, cell
1349 phone records, sick leave records?

1350

1351 **MARK VINCENT**

1352 Yes, Your Honor.

1353

1354 **MAYOR GOODMAN**

1355 All right. How did that come about, please?

1356

1357 **MARK VINCENT**

1358 The first incident dates back to mid or late March. It came to our attention in the Accounting
1359 Department that Mr. Williams had charged approximately 32 hours of sick leave on his time
1360 sheets, which was unusual, in my opinion, being that he was serving in the Legislature.

1361

1362 **MAYOR GOODMAN**

1363 And what did you do about it?

1364

1365 **MARK VINCENT**

1366 I called Sharon Segerblom.

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1367

1368 **MAYOR GOODMAN**

1369 And what did you say to her?

1370

1371 **MARK VINCENT**

1372 I told Sharon that I did not think the use of sick leave was appropriate being that he was in the

1373 Legislature, and she, her response to me is that she would take care of that.

1374

1375 **MAYOR GOODMAN**

1376 All right. What happened next?

1377

1378 **MARK VINCENT**

1379 Mr. Williams submitted a memorandum to me, addressed to me, making an amendment to

1380 threes, three time sheets. The effect of that was that he reduced his sick leave taken by about

1381 thirty-two and a half hours and increased his time worked by 29, twenty-nine and a half hours.

1382 The net difference was, he had a three-hour reduction in pay time.

1383

1384 **MAYOR GOODMAN**

1385 And after you received that documentation, what did you do, if anything?

1386

1387 **MARK VINCENT**

1388 We processed the amended time sheets.

1389

1390 **MAYOR GOODMAN**

1391 Did you ques, did you question the veracity of them?

1392

1393 **MARK VINCENT**

1394 I did have a conversation with Sharon because in – in the course – of looking at the use of sick

1395 leave it was obvious that he was charging time worked while he was at the Legislature. And I

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1396 mentioned to Sharon that, obviously I did not know nor does anyone in my staff what his
1397 assignments and work assignments were. But I did mention to Ms. Segerblom that it – appeared
1398 excessive.

1399

1400 **MAYOR GOODMAN**

1401 Did anything happen after you made that comment to Ms. Segerblom?

1402

1403 **MARK VINCENT**

1404 There was a second amended time sheet that we got in, I think it was April 26th and that was via
1405 memor, via e-mail from Sharon Segerblom to our payroll section. That, I don't remember the
1406 specifics of that change, but it was a minor change. I think it was swapping some vacation for
1407 leave without pay. It wasn't a significant change.

1408

1409 **MAYOR GOODMAN**

1410 Did you consider there amendments unusual?

1411

1412 **MARK VINCENT**

1413 The only thing unusual about them, we get amendments every pay period. Getting, receiving
1414 amended time sheets in not an unusual occurrence. The situation here was unusual in that you
1415 have an employee who is serving in the Legislature and also working for the City, apparently.
1416 So, that was what was unusual in my mind.

1417

1418 **MAYOR GOODMAN**

1419 Do we have any process or policy in place as a City to verify that in fact work was being done,
1420 which was related to the City that was being charged to the City that our taxpayers are paying for,
1421 while an individual is up at the Legislature?

1422

1423

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1423 **MARK VINCENT**

1424 By process here at the City as it would be in any place anywhere else I've ever been, it's the
1425 responsibility of the employee and their supervisor to verify the accuracy and completeness of the
1426 time record. There's, there isn't any process that we would have in payroll or in accounting for
1427 us to verify what employees are working on, what task they're working on or something. There's
1428 no way to do that.

1429

1430 **MAYOR GOODMAN**

1431 Are there any red flags that go up which would cause you to contact the supervisor or the
1432 employee to make inquiry as to whether the work was being done, in fact for the City?

1433

1434 **MARK VINCENT**

1435 I think I just described one.

1436

1437 **MAYOR GOODMAN**

1438 That was it? Okay.

1439

1440 **MARK VINCENT**

1441 That would certainly be a flag. There – have been, there are certain things that we do verify in
1442 payroll. They're obvious ones. Certainly if someone is taking leave that they don't have accrued
1443 on the books. That would be something that we would obviously catch. If we see people taking
1444 different kinds of leave that, we do, we, our payroll section does get questions from time to time
1445 from various employees. If we get an e-mail that questions something or brings up an issue, we
1446 do investigate that and if need be we discuss it with Human Resources and City Manager. So,
1447 it's not unusual for that to happen.

1448

1449

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1449 **MAYOR GOODMAN**

1450 When you entered into the agreement with Mr. Williams where he was reco, was going to
1451 recompense the City for what purported to be over charges, did you use any kind of a formula of,
1452 what – was your rationale in working out the specific agreement that you did?

1453

1454 **MARK VINCENT**

1455 Well, I had no way of knowing how much it was. I was aware that Mr. Williams was going to
1456 come up and visit me in my office to – settle, as he described it, to his telephone charges. When
1457 he came up to my office and I realized it was well over \$1800 in telephone charges, I knew that
1458 was a significant amount. I asked him if his intention was to pay me in full, pay the City in full
1459 and he said that he could not do that. And I told him that we, as a practice, when we have
1460 employees through, typically through errors, usually clerical errors, where sometimes we have an
1461 employee that may have been on acting pay and that acting pay was terminated through
1462 miscommunication, wasn't deducted or the acting pay was not stopped in their pays, it has –
1463 occurred that people have been overpaid. And typically when we have a situation like that, we –
1464 either the employee makes an adjustment right then and there or if it's a significant amount of
1465 money, and \$1800 in my mind was significant, we would enter into some kind of payment plan.

66

1467 **MAYOR GOODMAN**

1468 Do you recall what kind of plan you entered to?

1469

1470 **MARK VINCENT**

1471 Well, yes. I first asked, well there was two things, because in addition to the \$1800 Mr. Williams
1472 brought with him to my office amended time sheets, which was a third series of amendments,
1473 that totaled in gross pay well over \$8700 in gross pay. The net – pay would have been about
1474 \$6700. The combination of those two is a very significant number, and I remember asking Mr.
1475 Williams if he could afford a thousand dollar per pay period to pay this back cause I knew he
1476 didn't, he indicated he didn't have it, and he said that he could not handle that. And so, in my
1477 head I did some quick math and thought, well, if he can pay it back over 26 pay periods, which is

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1478 roughly one year, that that would be a reasonable payment term for him to pay back. We have
1479 entered into payment terms similar to that with other employees. He said he could do that and
1480 that's how we arrived at that – number.

1481

1482 **MAYOR GOODMAN**

1483 That, did you, in this process, discuss it with the Manager's Office?

1484

1485 **MARK VINCENT**

1486 No.

1487

1488 **MAYOR GOODMAN**

1489 Okay. All right. Any questions of Mr. Vincent? All right, thank you very much.

1490

1491 **COUNCILMAN BROWN**

1492 Your Honor?

1493

1494 **MAYOR GOODMAN**

1495 Yes, Councilman Brown.

1496

1497 **COUNCILMAN BROWN**

1498 Mr. Vincent, did you or would someone in payroll would they in this situation be familiar with
1499 the earlier mentioned Barton Rule?

1500

1501 **MARK VINCENT**

1502 I was going tell you that up until this incident I was not familiar with the Barton Rule. So, I'm
1503 not sure if my payroll office would have been familiar with the Barton Rule. I'm not sure my
1504 payroll office would always know who is serving in the Legislature and who is not.

1505

1506

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1507 **COUNCILMAN BROWN**

1508 Thank you.

1509

1510 **MAYOR GOODMAN**

1511 Thank you very much. All right. Are there any other City employees that the Council would like
1512 to call forward at this time? All right. Thank you. I see Mr. Williams is here. If you'd like to be
1513 heard, Mr. Williams, this is your opportunity. Bear in mind my admonition of before, but you
1514 certainly have the opportunity to – address us. Not, Mr. Williams I'm saying, not counsel. Mr.
1515 Williams would you like to speak to us? All right. Excuse me?

1516

1517 **COUNCILMAN BROWN**

1518 (inaudible) counsel?

1519

1520 **MAYOR GOODMAN**

1521 No. Counsel under oath doesn't do any good. All right. Are there any other witness, excuse
1522 me?

1523

1524 **COUNCILMAN REESE**

1525 He's coming up.

1526

1527 **MAYOR GOODMAN**

1528 Oh, good. All right. Please, folks, please. This isn't a performance.

1529

1530 **UNIDENTIFIED FEMALE**

1531 (Inaudible)

1532

1533 **BARBARA JO RONEMUS**

1534 (Inaudible) (Mr. Williams was sworn under oath by City Clerk Barbara Jo Ronemus)

1535

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1536 **MAYOR GOODMAN**

1537 Who said that? Mr. Williams, please state your name?

1538

1539 **WENDELL WILLIAMS**

1540 Wendell Williams.

1541

1542 **MAYOR GOODMAN**

1543 All right. We'd be happy to hear what you have to say.

1544

1545 **WENDELL WILLIAMS**

1546 Well, I think first of all, I've lived in the City of Las Vegas for over 26 years and I have a – very,
1547 very fond admiration for the City of Las Vegas. My first session in the legislature was 1987. I
1548 was working for the Clark County School District. My first session on the legislature I passed a
1549 bill appropriating \$80,000 that I directed to the City of Las Vegas for a tutorial program for needs
1550 kids. This program expanded throughout the City of Las Vegas and was recognized by both the
1551 Reagan Administration and the Clinton Administration.

1552

1553 **MAYOR GOODMAN**

1554 I would really prefer, if you can, to address the issues, which are before us today.

1555

1556 **WENDELL WILLIAMS**

1557 I think this – leads to it.

1558

1559 **MAYOR GOODMAN**

1560 All right. Fair enough.

1561

1562 **WENDELL WILLIAMS**

1563 So, I've always had a desire to while serving in the legislature have a keen interest to issues that
1564 would affect the City of Las Vegas. But more specifically the – programs of – childcare and a

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1565 number of other issues, the City of Las Vegas were absent of those type of services to people
1566 until those were initiated in the legislature by myself. So, there was never any intent to do
1567 anything to put the City in any type of negative disregard. And the Barton Policy or agreement,
1568 is what it was, was between Larry Barton and Morse Arberry. They, they're the two individuals
1569 who discussed that type of sit, arrangement. It was never a policy. Well, I started working in
1570 Neighborhood Services in – before the 2001 session, no one ever discussed the Barton Policy or
1571 any other policy at the legislature. No one ever discussed what happens prior to going to the
1572 legislature in reference to leaving the City of Las Vegas. When I worked for the Clark County
1573 School District and would depart for the legislature, there was – a written list of things that you
1574 do to check out before you go. With the City of Las Vegas no one said here's how you use your
1575 cell phone. You turn your cell phone in or anythings like that. And I got calls during the session
1576 from Council members on the cell phone, so there was no discussion about what was right and
1577 what was wrong. So no one ever said anything.

1578 When I got to Neighborhood Services in 2001 I was given assignments to work on in the
1579 Legislature.

1580

1581 **MAYOR GOODMAN**

1582 By whom?

1583

1584 **WENDELL WILLIAMS**

1585 By a director.

1586

1587 **MAYOR GOODMAN**

1588 By Ms. Segerblom?

1589

1590 **WENDELL WILLIAMS**

1591 Yes.

1592

1593

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1594 **MAYOR GOODMAN**

1595 What – assignments were you given for the 2001 Legislature.

1596

1597 **WENDELL WILLIAMS**

1598 2001 Legislative Session I was given the childcare initiative assignment. Members of the
1599 department came up and testified and worked as well with that. Those assignments I worked on
1600 in many cases because many staff people in our department, for whatever reason, couldn't get
1601 through certain offices or make phone calls to people they could get through as easily as I could.

1602

1603 **MAYOR GOODMAN**

1604 When you say you worked on, could you clarify that?

1605

1606 **WENDELL WILLIAMS**

1607 Well, I developed the childcare pol, the childcare initiative that the City has, currently have right
1608 now I worked on that and developed that. And went to the legislature before I was given that
1609 policy in 1999 and got the funding for it. So, as the initiative grew, we expanded the initiative
1610 and as we expanded the initiative the work expanded.

1611

1612 **MAYOR GOODMAN**

1613 After your work in the 1999 Legislature did you receive any kind of raise or promotion by the
1614 City of Las Vegas?

1615

1616 **WENDELL WILLIAMS**

1617 After '99?

1618

1619 **MAYOR GOODMAN**

1620 Yes. After – you worked on that initiative up in the legislature.

1621

1622

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1623 **WENDELL WILLIAMS**

1624 I received raises, but I didn't think it was tied to that, to – those items.

1625

1626 **MAYOR GOODMAN**

1627 Okay. All right.

1628

1629 **WENDELL WILLIAMS**

1630 But I – did need to submit that in 2001 when I went to Neighborhood Services and served in the
1631 2001 session I was told when you work on – initiatives or projects for the City you get paid for
1632 them. And one – of the questions, and of the things that has been raised quite a bit is that I
1633 submitted these time cards. I never filled out any these time cards. They were filled out in the
1634 department. So, I didn't wake up and say, I think I'll put sick leave on my time card this week or
1635 this day. The time cards were submitted to the City. The City filled them out.

1636

1637 **MAYOR GOODMAN**

1638 Okay. Two questions. Who – told you that you were supposed to be compensated for the work
1639 that you were doing on behalf of the City when you were in the legislature?

1640

1641 **WENDELL WILLIAMS**

1642 A number of people. We have e-mails that were, that – we currently have now that said, that
1643 pretty much said, I spoke to Wendell, these are his assignments we're giving him. He will
1644 include the works hours and they will be submitted on his time card.

1645

1646 **MAYOR GOODMAN**

1647 There are e-mails to that effect?

1648

1649 **WENDELL WILLIAMS**

1650 Yes.

1651

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1652 **MAYOR GOODMAN**

1653 Does the City have those?

1654

1655 **WENDELL WILLIAMS**

1656 I gave them to the Auditor during the investigation. I gave them to Ms. Fretwell as – well from
1657 the – initial investigation.

1658

1659 **MAYOR GOODMAN**

1660 All right.

1661

1662 **WENDELL WILLIAMS**

1663 But the investigation, Your Honor, was a little bit confusing to me because the discipline that
1664 was talked about for, earlier was done before the investigation. So, I'm not sure, when I was
1665 disciplined I really didn't know what the dis, discipline was for because the invest, investigation
1666 came after the discipline.

1667

1668 **MAYOR GOODMAN**

1669 But you – were confronted and shown the Last Chance Agreement, you signed that.

1670

1671 **WENDELL WILLIAMS**

1672 I signed that – for a couple reasons. First of all, my question was, usually when you get a Last
1673 Chance means that you've had some prior negatives, and there're no negative, there were no
1674 negatives in my – record. So, usually when you get a last chance or a second chance means
1675 you've done some negatives, first of all. Secondly, I have, at the time when they came to my
1676 home, I discussed this with my wife because the way the Last Chance Agreement was presented
1677 to me is that, if you sign this Last Chance Agreement the City of Las Vegas will take the position
1678 that any time anybody asks about anything that happens with this is a personnel matter. That's
1679 the only thing that will be said. Little that I know the next day was – in the press. But I did sign
1680 it.

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1681

1682 **MAYOR GOODMAN**

1683 Do you know – how it got to the press?

1684

1685 **WENDELL WILLIAMS**

1686 I have no idea.

1687

1688 **MAYOR GOODMAN**

1689 Okay.

1690

1691 **WENDELL WILLIAMS**

1692 But they did tell me it wouldn't be in the press, they wouldn't release the information. But quite
1693 frankly they did.

1694

1695 **MAYOR GOODMAN**

1696 All right. Now, tell us a little bit, if you would, about amending your records. Apparently
1697 records were filled out, you're saying, by somebody else. Do you know who that person was?

1698

1699 **WENDELL WILLIAMS**

1700 Well. In 2001 and in 2003 these time cards, 2001 I never filled them out. They (inaudible) sign
1701 your time card, we're going send back to Vegas and include your hours.

1702

1703 **MAYOR GOODMAN**

1704 Did you sign it in blank?

1705

1706 **WENDELL WILLIAMS**

1707 I – think so. I don't remember. I do know I didn't fill them out. So, obviously they were blank.

1708

1709

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1710 **MAYOR GOODMAN**

1711 Well, or were they sent up to you filled in and then you had to sign them?

1712

1713 **WENDELL WILLIAMS**

1714 I don't remember, but my – immediate recollection, they were, I would sign first.

1715

1716 **MAYOR GOODMAN**

1717 The –

1718

1719 **WENDELL WILLIAMS**

1720 Then I – would submit the hours.

1721

1722 **MAYOR GOODMAN**

1723 So you would –

1724

1725 **WENDELL WILLIAMS**

1726 And staff would fill them in.

1727

1728 **MAYOR GOODMAN**

1729 In other words you were, they were signed. Did you sign it at all?

1730

1731 **WENDELL WILLIAMS**

1732 I signed –

1733

1734 **MAYOR GOODMAN**

1735 Does – your name appear on 'em?

1736

1737 **WENDELL WILLIAMS**

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1738 My name appears on 'em, but I didn't inc, I didn't give any documentation listing ten hours sick
1739 leave, annual leave, anything like that. The people in Las Vegas put the sick leave, everything on
1740 the card.

1741
1742 **MAYOR GOODMAN**

1743 Did they get this out of thin air?
1744

1745 **WENDELL WILLIAMS**

1746 Obviously so.
1747

1748 **MAYOR GOODMAN**

1749 In other words, you did not provide them with any kind of information.
1750

1751 **WENDELL WILLIAMS**

1752 In 2003 I provided them with the hours and – an additional document that wasn't required, listing
1753 the work I did and who I met with and those type of things.
1754

1755 **MAYOR GOODMAN**

1756 Okay. But in 2001 your – statement here is that somebody else put in the time and that you had
1757 no input in order for them to put that time down.
1758

1759 **WENDELL WILLIAMS**

1760 Absolutely not.
1761

1762 **MAYOR GOODMAN**

1763 Okay. And now –
1764
1765

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1765 **WENDELL WILLIAMS**

1766 Only the hours – that I would work, I've never submitted a time card that – I wrote in sick leave
1767 or anything else on it.

1768

1769 **MAYOR GOODMAN**

1770 All right. In 2003 you kept specified records. Is that correct?

1771

1772 **WENDELL WILLIAMS**

1773 Yes.

1774

1775 **MAYOR GOODMAN**

1776 As to people that you spoke with and the things that you did for the City?

1777

1778 **WENDELL WILLIAMS**

1779 I gave – the City Auditor a list of each one of those dates on the time card, who I met with,
1780 contacts and what the meetings were about.

1781

1782 **MAYOR GOODMAN**

1783 Were these, were your notes made simultaneously with your meetings or as a result of the
1784 Auditor asking questions?

1785

1786 **WENDELL WILLIAMS**

1787 The notes were made simultaneously with the time cards. When the Auditor launched his
1788 investigation I gave him more specific information, such as contact people, dates and times and
1789 places.

1790

1791 **MAYOR GOODMAN**

1792 Why did you change the procedure from 2001 to 2003 –

1793

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1794 **WENDELL WILLIAMS**

1795 Because –

1796

1797 **MAYOR GOODMAN**

1798 – from people filling it out for you to you filling it out yourself.

1799

1800 **WENDELL WILLIAMS**

1801 In 2003 the Director said to me, before this session to be, be sure to, well this session we're
1802 going to do more documentation on – exactly the type of work, and who and what and when.

1803

1804 **MAYOR GOODMAN**

1805 All right. Now, let's – go to the area that, apparently you were instrumental on behalf of the City
1806 to have the Annexation Bill revived from, revived. It was going nowhere. Is that correct?

1807

1808 **WENDELL WILLIAMS**

1809 That's correct.

1810

1811 **MAYOR GOODMAN**

1812 And you, how did you revive it?

1813

1814 **WENDELL WILLIAMS**

1815 Well, I had some experience working on that in 1999 and the City of Las Vegas had a Bill in
1816 1999 that was attempting to annex County Islands. And in the Senate, at that particular time Ms.
1817 Fretwell was working for the County and she opposed it. So, she brought me a compromise,
1818 because I do believe that she had enough support to kill it in the Senate. The compromise didn't
1819 work. The compromise said that the County Commissioners had to approve this before –

1820

1821 **MAYOR GOODMAN**

1822 But that was back in 1999.

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1823

1824 **WENDELL WILLIAMS**

1825 That was in 1999, so I had some experience.

1826

1827 **MAYOR GOODMAN**

1828 All right, but in –

1829

1830 **WENDELL WILLIAMS**

1831 In 2003 Dan Musgrove, after that there was an attempt by Cathy Van Tobel and Don Gibbons to
1832 kill it and it was pretty much dead, called me in the hallway and asked me to help with it.

1833

1834 **MAYOR GOODMAN**

1835 Was Mr. Musgrove working for the City?

1836

1837 **WENDELL WILLIAMS**

1838 Yes.

1839

1840 **MAYOR GOODMAN**

1841 And when he said help with it what did you understand him to mean?

1842

1843 **WENDELL WILLIAMS**

1844 Bring it back to life.

1845

1846 **MAYOR GOODMAN**

1847 And did you?

1848

1849 **WENDELL WILLIAMS**

1850 Absolutely.

1851

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1852 **MAYOR GOODMAN**

1853 Was there any understanding that you would be rewarded by the City for bringing it back to life
1854 and seeing that it was passed?

1855

1856 **WENDELL WILLIAMS**

1857 There was no conversation about any rewards from City officials prior to the Bill being passed.

1858

1859 **MAYOR GOODMAN**

1860 All right. After the Bill was passed –

1861

1862 **WENDELL WILLIAMS**

1863 The City –

1864

1865 **MAYOR GOODMAN**

1866 – was there any discussion with City officials that you were going to be rewarded for it?

1867

1868 **WENDELL WILLIAMS**

1869 There was a discussion with a City official on how, on showing how much the City appreciated
1870 the fact that the Bill was passed.

1871

1872 **MAYOR GOODMAN**

1873 What does that mean, that you were going to get something in addition to what you were already
1874 receiving –

1875

1876 **WENDELL WILLIAMS**

1877 No.

1878

1879 **MAYOR GOODMAN**

1880 – because you were successful?

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1881

1882 **WENDELL WILLIAMS**

1883 That was – that statement was made with no specifics.

1884

1885 **MAYOR GOODMAN**

1886 But shortly after the statement was made you got yourself promoted.

1887

1888 **WENDELL WILLIAMS**

1889 Yes, Sir.

1890

1891 **MAYOR GOODMAN**

1892 Do you know how the promotion took place? Who caused the promotion?

1893

1894 **WENDELL WILLIAMS**

1895 After the session I had a meeting with Ms. Valentine who expressed how, in her terms, the City
1896 felt about the Bill being passed and how delightful it was and that she would hope that I remain
1897 with the City of Las Vegas, and after the Council retreat, that she said was coming up, that there
98 probably be some show of appreciation.

1899

1900 **MAYOR GOODMAN**

1901 Did you go into any specifics?

1902

1903 **WENDELL WILLIAMS**

1904 No.

1905

1906 **MAYOR GOODMAN**

1907 Did, when you were promoted did you ask for the promotion?

1908

1909

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1910 **WENDELL WILLIAMS**

1911 No.

1912

1913 **MAYOR GOODMAN**

1914 Did you ever discuss the promotion with anybody before you were promoted?

1915

1916 **WENDELL WILLIAMS**

1917 Well, in a conversation with Ms. Valentine she mentioned that, well, I, that she knew that I was
1918 topped out and she would hope that I stay with the City.

1919

1920 **MAYOR GOODMAN**

1921 Well, have you read the newspaper or accounts from Ms. Valentine specifically denies any kind
1922 of quit pro quo?

1923

1924 **WENDELL WILLIAMS**

1925 Absolutely, is that.

1926

27 **MAYOR GOODMAN**

1928 And you're making the statement under oath notwithstanding her denial?

1929

1930 **WENDELL WILLIAMS**

1931 Absolutely.

1932

1933 **MAYOR GOODMAN**

1934 Okay. Any other questions?

1935

1936 **COUNCILMAN BROWN**

1937 I do.

1938

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1939 **MAYOR GOODMAN**

1940 Yes, Councilman?

1941

1942 **COUNCILMAN BROWN**

1943 Thank you, Your Honor. You mentioned, as far as the Barton Agreement or Barton
1944 understanding that at the time Mr. Arberry was the one that signed it?

1945

1946 **WENDELL WILLIAMS**

1947 There was an agreement between Mr. Arberry and Mr. Barton.

1948

1949 **COUNCILMAN BROWN**

1950 Somewhere in the last week, either through the Auditor or briefings, there was a document that
1951 referenced the Barton agreement with signatures on it. That was not Mr. Williams that was Mr.
1952 Arberry's?

1953

1954 **WENDELL WILLIAMS**

1955 Oh, I had a similar doc, the – origin of the Barton arrangement came between Mr. Barton and Mr.
1956 Arberry. When I worked, when I started working in Neighborhood Services, that was a canned
1957 letter that I was given, that I needed to sign and have, we also have a memo that was – sent to me
1958 saying, put this on your letterhead, which acknowledges the Barton Agreement, absolutely. But
1959 no one ever discussed the Barton arrangement with me, except that the way it was explained to
1960 me, Councilman, is that you work a minimum of eight hours, but you can work more. But the
1961 eight hours is to allow you to maintain your status. But, here again, it was, there was no
1962 conversation with dos and don'ts or direction.

1963

1964 **COUNCILMAN BROWN**

1965 I appreciate that. So, what you're saying is that you're aware of the Barton Agreement, you
1966 signed a similar acknowledgment, but your interpretation was you needed to work a minimum of
1967 eight hours to carry benefits, but there was never any dialogue as far as a maximum.

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1968

1969 **WENDELL WILLIAMS**

1970 No, never any dialogue period. When I worked prior to coming into Neighborhood Services,
1971 during the 1999 session, my situation was precisely what the Barton arrangement says, the eight
1972 hours. There was no, that – that's what folks said. When I got over to Neighborhood Services
1973 and went to the 2001 session, I was told, these are the things that we'd like for you to work on
1974 and if you work on these things outside of the time you're in hearings or on the Legislative floor,
1975 that you get paid for those things. So, we need to let, to find out what they are. Here's – things
1976 we'd like you to work on. If you work on these things in this department you get paid for it. So,
1977 I would, I took those projects and I did 'em, and members of the department, here in Las Vegas,
1978 filled in the time cards, including sick leave and those things.

1979 It was, in 2003, as Mr. Vincent indicated, I was notified that sick leave shouldn't be indicated on
1980 the time card. In 2003 we in, we dock, we put sick leave on the time cards because that was the
1981 procedure in 2001. It never occurred, it made sense to me, but it never, that was the procedure.

1982

1983 **COUNCILMAN BROWN**

1984 But, and I don't have the document in front of me, and again, later on that could be readdressed,
85 but the Barton Agreement spells out some kind of understanding, but beyond that in dialogue
1986 with someone, you were instructed to work and you would be compensated for that work.

1987

1988 **WENDELL WILLIAMS**

1989 Uh, uh. I was given that in writing.

1990

1991 **COUNCILMAN BROWN**

1992 I – appreciate that. The other one, and this is more to just to make sure that what has been stated
1993 is, the understanding regarding the time cards. I think the earlier question was asked, but I didn't
1994 hear the final answer, as far as who authorized that additional work that has been referenced.
1995 You said that there're memos available.

1996

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1997 **WENDELL WILLIAMS**

1998 For the – 2003 time card adjustments?

1999

2000 **COUNCILMAN BROWN**

2001 Yes, well, just specifically, as far as the work, kind of predates the actual filling out of the time
2002 card. I'll just ask you indirectly, did those memos, the reference specifically state the people
2003 authorized you to work and get compensated for?

2004

2005 **WENDELL WILLIAMS**

2006 In 2003?

2007

2008 **COUNCILMAN BROWN**

2009 Yeah.

2010

2011 **WENDELL WILLIAMS**

2012 Well, I was given the assignments by the Director. It states that the, the Director gave me a
2013 number of items to work on during this session.

2014

2015 **COUNCILMAN BROWN**

2016 Was that verbal or was that in –

2017

2018 **WENDELL WILLIAMS**

2019 It's in writing –

2020

2021 **COUNCILMAN BROWN**

2022 That was in the e-mail. I appreciate that.

2023

2024 **WENDELL WILLIAMS**

2025 It's in writing.

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2026

2027 **COUNCILMAN BROWN**

2028 And I'd like to see those later. And then, as far as your statements that you signed a blank card,
2029 I'm a little confused on this, sent it back and they, meaning someone down at the City, while
2030 you're in Carson City, filled in the blanks or, so, the question was asked, did they just make up
2031 numbers or is that predetermined depending on the authorized work that you were going to do?

2032

2033 **WENDELL WILLIAMS**

2034 It – the authorized, I was given work to do and when the – work was done, I would inform the
2035 members of the department of the work, they would complete the time cards, Councilman, which
2036 is one of the things that really confuses me with all of this. In 2001 we were paid more than we
2037 were in 2003. The time card inclusions were a lot more in 2001. So, the same people that filled
2038 them out in 2001 here in Las Vegas did 'em in 2003. So, in 2003 those folks said, oh, here's a
2039 red flag, he can't, how can he work 27 hours this week when in fact they were – completely
2040 filling them out in 2001 for a lot more hours. So, the way that this thing has been played and
2041 presented in the press is that I got up and filled these time cards out and falsified them. But I
2042 filled none of those time cards out in 2001.

43

2044 **COUNCILMAN BROWN**

2045 Then, the person, let's take 2001. I think this is very important, Mr. Williams. In 2001, if a
2046 person at the City of Las Vegas is filling out hours, you don't know that number. So, they're just
2047 filling in a number that –

2048

2049 **WENDELL WILLIAMS**

2050 No. I knew the number of hours, but I didn't know what type of – leave or –

2051

2052 **COUNCILMAN BROWN**

2053 Okay.

2054

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2055 **WENDELL WILLIAMS**

2056 – that they – were including. If I would give them, say 20 hours, for a particular time period,
2057 they used their own discretion to use sick leave, annual leave or – that type of thing.

2058

2059 **COUNCILMAN BROWN**

2060 That's an important clarification for me.

2061

2062 **WENDELL WILLIAMS**

2063 Right.

2064

2065 **COUNCILMAN BROWN**

2066 So, you, if this statement is true, you have authorization to work on City business, you work on
2067 that business, you send an hour. I spent eight hours this week or 17, whatever the number, called
2068 that back and the City then makes a decision of how to break down those hours?

2069

2070 **WENDELL WILLIAMS**

2071 Exactly.

72

2073 **COUNCILMAN BROWN**

2074 Thank you.

2075

2076 **WENDELL WILLIAMS**

2077 Exactly.

2078

2079 **MAYOR GOODMAN**

2080 So, it's a fair statement then the time hours, in at least 2001 may have had the number of hours
2081 correct, but the information justifying was phony.

2082

2083

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2084 **WENDELL WILLIAMS**

2085 Right. So, when I got paid from that, from those time periods there was, I had no idea what
2086 exactly they would put on 'em. And if in fact, when sick leave was used, I was told that was the
2087 procedure, that that had been going on forever.

2088

2089 **MAYOR GOODMAN**

2090 Who told you that?

2091

2092 **WENDELL WILLIAMS**

2093 My supervisor.

2094

2095 **MAYOR GOODMAN**

2096 Who?

2097

2098 **WENDELL WILLIAMS**

2099 Mr. Arberry.

2100

2101 **MAYOR GOODMAN**

2102 So, he was saying that a phony procedure was used going on forever in the City?

2103

2104 **WENDELL WILLIAMS**

2105 I'm not – saying that, but what he said to me is that when you work in this department you get
2106 paid for it.

2107

2108 **MAYOR GOODMAN**

2109 I know, but it doesn't matter whether you get paid truthfully for it, you just get paid.

2110

2111 **WENDELL WILLIAMS**

2112 Well, I'm not sure – what he was thinking when he said it.

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2113

2114 **MAYOR GOODMAN**

2115 Well, obviously, your time cards didn't reflect the truth.

2116

2117 **WENDELL WILLIAMS**

2118 But – in all fairness to him, he – had no idea what people here was putting on 'em either.

2119

2120 **MAYOR GOODMAN**

2121 Well, who filled them out?

2122

2123 **WENDELL WILLIAMS**

2124 People in our department.

2125

2126 **MAYOR GOODMAN**

2127 Do you know who?

2128

2129 **WENDELL WILLIAMS**

30 I think, I'm not sure. Two people supposedly, one, either one or the other, Lisa Morris or, I'm
2131 not sure who did, who – would 'em sometime. They, it would go between – two people would
2132 do them. And – here again, the same two people did them in 2001 and 2003.

2133

2134 **MAYOR GOODMAN**

2135 Well, how did Mr. Arberry know that you were putting down sick leave in order to justify the pay
2136 you're receiving?

2137

2138 **WENDELL WILLIAMS**

2139 I'm not sure if he, I'm not sure if – he knew it or not because once we give the hours worked and
2140 send those hours in, those two individuals here would – their own discretion to put sick leave or
2141 annual leave. They would make the hours work.

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2142

2143 **MAYOR GOODMAN**

2144 And you found about, you found out about this when the documents were being submitted for
2145 payment? You found out that they were putting down sick leave when in fact you weren't sick?

2146

2147 **WENDELL WILLIAMS**

2148 I'm not sure, I'm not, I didn't know when, I didn't know what they were putting down actually
2149 until after the session when I reviewed the documents. I did – realize they were putting sick
2150 leave and how they were doing it after the 2001 session. Here again, no one said there was
2151 anything wrong with this. And these time cards went from myself to Ms. Segerblom on up to
2152 Finance and this was something everyone – appeared as though that was the process.

2153

2154 **MAYOR GOODMAN**

2155 Yeah, didn't you think there was something wrong with it?

2156

2157 **WENDELL WILLIAMS**

2158 I never actually gave it much thought until I got a let, the notice from Ms. Segerblom after – Mr.
59 Vincent had called her.

2160

2161 **MAYOR GOODMAN**

2162 You mean, when you saw these records and said you were sick, didn't you say to yourself, geez, I
2163 wasn't sick, why – they're putting this down for?

2164

2165 **WENDELL WILLIAMS**

2166 Many days, Mr. Mayor, with all due respect, it was very sickening in Carson City. But that, I
2167 guess, I didn't, you know, when you – look at it on the face, I – would say yes. It – appears not
2168 to be the appropriate use for that, absolutely. When – we, when Mr. Vincent called Ms.
2169 Segerblom and brought it to my attention it made all the sense in the world, absolutely.

2170

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2171 **MAYOR GOODMAN**

2172 Okay. And then after it was brought to your attention, you amended your request, correct? Your
2173 pay request, right? Right.

2174

2175 **WENDELL WILLIAMS**

2176 Yes, we amended them several times.

2177

2178 **MAYOR GOODMAN**

2179 Okay. Did you have any kind of documentation in front of you from which you got the facts for
2180 the amendment or did you just make those up?

2181

2182 **WENDELL WILLIAMS**

2183 I had the documentation. I submitted those to the – Auditor.

2184

2185 **MAYOR GOODMAN**

2186 And those were made, and your testimony that those were made simultaneously with the work
2187 that you did.

88

2189 **WENDELL WILLIAMS**

2190 Oh, absolutely, and I listed the following, the phone numbers and individuals.

2191

2192 **MAYOR GOODMAN**

2193 Okay. Any other questions at this time?

2194

2195 **COUNCILMAN BROWN**

2196 One more, Your Honor.

2197

2198 **MAYOR GOODMAN**

2199 Yes, Councilman.

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2200

2201 **COUNCILMAN BROWN**

2202 Just before we leave the Barton Agreement. So, you're aware of the Barton Agreement and at
2203 least what the Barton Agreement spoke to, as far as carrying forth benefits. So, separate from
2204 who filled out or who determined your hours worked, how they were broken up, separate from
2205 that issue, is it accurate to say that you received authorization from the City to go to Carson City
2206 and outside your Legislative function do work on behalf of the City of Las Vegas that would be
2207 compensated.

2208

2209 **WENDELL WILLIAMS**

2210 Yes.

2211

2212 **COUNCILMAN BROWN**

2213 Okay. Thank you, Mr. Williams.

2214

2215 **MAYOR GOODMAN**

2216 Councilman Mack.

17

2218 **COUNCILMAN MACK**

2219 Thank you, Your Honor. Assemblyman, I have still a little bit of question in the, if you did
2220 indeed work on a Bill, the Annexation Bill, that I didn't – I was following that Bill because the
2221 land that was to be incorporated would be in the City of Las Vegas, in my Ward. I didn't realize
2222 that you were instrumental on working on bringing that Bill back to life. Is that indeed what
2223 happened.

2224

2225 **WENDELL WILLIAMS**

2226 Yes, I submitted the Legislative history of the Bill to the Auditor including the minutes from the
2227 meetings and everything that happened with the Bill. As you may remember, 2001 was the
2228 session that the City of Henderson was – trying to get the money graph from Las Vegas. And, of

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2229 course, Speaker Perkins represents the City of Henderson and the City Manager told me that she
2230 was told that if anyone from the City comes talk to him about the Bill again he would kill all the
2231 City's Bills.

2232

2233 **COUNCILMAN MACK**

2234 Okay. Well,

2235

2236 **WENDELL WILLIAMS**

2237 The Bill – is being –

2238

2239 **MAYOR GOODMAN**

2240 To talk about what – though the Consolidated Tax Bill or the Annexation Bill? If anybody spoke
2241 to him about what Bill?

2242

2243 **WENDELL WILLIAMS**

2244 About the Annexation Bill.

2245

46 **MAYOR GOODMAN**

2247 So, if anybody from the City spoke to Speaker Perkins about that he would kill all of our Bills?

2248

2249 **WENDELL WILLIAMS**

2250 That what Ms. – Valentine say. She and she, then we had a conversations about, do you think
2251 you can get it passed? And we had several conversations. I indicated that I felt I had a very good
2252 chance of getting it passed and she said to me, as I remember it, that the five people who were
2253 working on the Bill from the City was not to talk to anybody about the Bill again.

2254

2255 **MAYOR GOODMAN**

2256 And this was in 2001?

2257

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2258 **WENDELL WILLIAMS**

2259 Yes. Those five people, as a matter of fact, when the Auditor spoke about the Bill he mentioned
2260 he had spoken to Mr. Leavitt, the Head Lobbyist. The day that that was a motion, and I
2261 submitted this to the Auditor, the minutes, the date of, the date that was a motion to kill it, Mr.
2262 Leavitt was supposed to bring amendments to the Bill and he wasn't at the meeting.

2263

2264 **COUNCILMAN MACK**

2265 Your – Honor, as I state, you know, this area I represent, this is, the first time I've had knowledge
2266 was in the newspaper recently that was brought forward on it, and if that's the case, I appreciate
2267 your efforts on – the Bill.

2268 And, but my second question is, and – I had no knowledge of this as well, what relation did the
2269 Doolittle Center have to this Annexation Bill, if there was any relationship?

2270

2271 **WENDELL WILLIAMS**

2272 I think there was a relationship. I – wasn't a part of any conversations to discuss any
2273 arrangements with the Doolittle Bill, but there were some messages relayed to me that the time
2274 that the Annexation Bill was in trouble, that the refurbishment of Doolittle was taken out of the
75 City's budget, and that if the Bill passed it may get back in the budget. And after the session,
2276 when it passed, it was put back in the budget.

2277

2278 **COUNCILMAN MACK**

2279 Thank you. That concludes my comments

2280

2281 **MAYOR GOODMAN**

2282 Where did you hear that from?

2283

2284 **WENDELL WILLIAMS**

2285 Actually I can't remember, Mayor. I – do know that in discussing it with, I talked to many
2286 people about this during this time. I talked to Ms. Fretwell. I talked to Mr. Musgrove. Mike

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2287 Sullivan. There was another five people working on the Bill and they were all talking to me
2288 almost daily about what it would take to get the Bill passed.

2289

2290 **MAYOR GOODMAN**

2291 Okay. All right. Let me ask you this, may be a little beyond Item Number 1, but certainly
2292 pertinent to Item Number 2 on the agenda, are there any and, are there any ethical considerations
2293 which are implicated in the Legislature about somebody who is employed, such as yourself by
2294 the City of Las Vegas advocating a position for the City of Las Vegas where you would benefit
2295 from such advocacy or don't there have to be disclosures?

2296

2297 **WENDELL WILLIAMS**

2298 I would think there has to be disclosures, but again no one in the City of Las Vegas talked to me
2299 about giving me any personal benefit if I did a particular thing in the Legislature. In reference to
2300 the Doolittle Center, is the only center in the State. It needs refurbishment. I think it's good
2301 public policy. If that had anything to do with – this Bill, I don't see any personal relationship
2302 with that. But I do know that, for instance this last session I was asked to put together the parties
2303 for one of the initiatives in the Department and the Department couldn't get all those people
04 together, and I was able to get those people together. So, the Director and her staff flew up to
2305 Carson City and met with them through arrangements.

2306 We have projects in our department with the Clark County School District and many times we
2307 can't get, we get doors closed and they'll call me and say we need you to get through to the –
2308 School District. And people will say many times, well he should be treated like any other
2309 employee, but sometimes when people need things they don't treat me like any other employee.
2310 We need you to call Carlos Garcia and get this done today and it's done. But in many times other
2311 employees, other employee can't get through to Mr. Garcia. So, it's, you know, I mean, it works
2312 both ways.

2313

2314

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2314 **MAYOR GOODMAN**

2315 So, you're saying that because of your position as a legislator you're able to get things done for
2316 the City of Las Vegas that other people couldn't get done.

2317

2318 **WENDELL WILLIAMS**

2319 Sometime, not because of, solely because I'm a legislator, but because of the contacts that I've
2320 developed as a legislator. If I have a contact and it works for the City and I'm an employee, even
2321 though I'm working as an employee, if I have a contact I'll make the contact. It doesn't, I can't –
2322 get around that. If I've developed a contact in the Legislature that allows me to benefit the City,
2323 I'm not, I have that contact regardless. So, if – in fact, our department runs into a jam getting
2324 through to some people who I may be able to get through, I'm not going to sit there and pretend
2325 that I can't. I'm going to go on and do it.

2326

2327 **MAYOR GOODMAN**

2328 Can you recall any time when you're up in the Legislature where there was an abstention by any
2329 legislator on a conflict of interest?

2330

31 **WENDELL WILLIAMS**

2332 With the City of Las Vegas?

2333

2334 **MAYOR GOODMAN**

2335 Let's start with that.

2336

2337 **WENDELL WILLIAMS**

2338 No. The – conflict comes when that particular legislator will benefit personally, he or his family
2339 more so than anyone else.

2340

2341

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2341 **MAYOR GOODMAN**

2342 So, in other words, if there's somebody who's a teacher who's up at the Legislature, they vote on
2343 matters concerning funding for education, right?

2344

2345 **WENDELL WILLIAMS**

2346 When I – was a teacher I voted on the budget that funded education, which –

2347

2348 **MAYOR GOODMAN**

2349 And you were benefiting from that, were you not?

2350

2351 **WENDELL WILLIAMS**

2352 Not – more so than anyone else.

2353

2354 **MAYOR GOODMAN**

2355 No, but –

2356

2357 **WENDELL WILLIAMS**

2358 Yes, there was a potential benefit.

2359

2360 **MAYOR GOODMAN**

2361 Certainly, because you were asking for a budget which you felt was appropriate and you were
2362 going to make more money.

2363

2364 **WENDELL WILLIAMS**

2365 Not necessarily, Mayor because when, with the Legislature when we fund the Clark County
2366 School District and the School District goes into negotiations with the union and decides the
2367 raises. So, we vote on the budget and pass it. We have no idea if a raise is going to be passed or
2368 how much, if in fact is passed.

2369

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2370 **MAYOR GOODMAN**

2371 But you're hoping that you'll get a raise.

2372

2373 **WENDELL WILLIAMS**

2374 Absolutely.

2375

2376 **MAYOR GOODMAN**

2377 And there's – no disclosure that you work for the School District when you're voting on that
2378 particular issue, is that correct?

2379

2380 **WENDELL WILLIAMS**

2381 Right. If there's, there have been cases where that could be a – individual benefit. I think I have
2382 disclosed when my wife worked for Sprint. I disclosed that she worked for Sprint, but I still
2383 voted. I said used to.

2384

2385 **MAYOR GOODMAN**

2386 Okay. Thank you, Sir. I appreciated it. Any other questions? Thank you, Mr. Williams. I
87 appreciate it.

2388

2389 **WENDELL WILLIAMS**

2390 Thank you.

2391

2392 **MAYOR GOODMAN**

2393 All right. Any of the other parties like to be heard at this time. All right. Thank you. At this
2394 time I'd like to ask my Council whether or not they have any comments before we give the
2395 Manager's Office some direction?

2396

2397

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2397 COUNCILMAN WEEKLY

2398 Yes, Your Honor. I – just like to say, in listening to the discussion in lieu of, I guess, Doolittle
2399 Community Center, I guess I just want to believe that the Doolittle Cen, the Doolittle Community
2400 Center was funded and redone on the merits that it was long overdue. And if there were some
2401 BS games being played by whether it be the Manager's Office or anybody on this Council, shame
2402 on all of you, because it's something that should have been done way before I started
2403 representing this area. And I don't want the constituents of West Las Vegas or any of those
2404 young people or senior citizens that utilize this facility to believe that their center was redone
2405 based on some humbug politics in the City of Las Vegas. That's one thing. But then listening to
2406 this testimony here today, it – seems to me like, you know, we focused on a couple of people, but
2407 it seems like this thing if far more reaching than it is dealing with a couple of people that have
2408 been referenced in our Auditor's findings. And Radford I'm not here to shoot the messenger,
2409 you're new to the City of Las Vegas and you did what your Mayor asked you to do, and you
2410 reported back to us based on what you could find. But it appears to me as though, I guess, there
2411 should have been some other things that probably should have been included in this testimony
2412 here today, Your Honor.

2413 And so, I think that, as I stated to Michael Squires yesterday, who contacted me from the media
14 in reference to how I did I feel about this meeting today, I guess my thought is that the public is
2415 absolutely sick of it, personally, and really would like to see us bring some resolve to this issue.
2416 And it's just kind of troublesome to me that we focused on a few people when it seems to me
2417 like we have about six or seven people that are involved in this whole process here. And I think
2418 what we, as a Council, need to do is, number one I think we need to apologize to the public for
2419 the simple fact that there have been some negligence on behalf of the City of Las Vegas by not
2420 handling the situation a little bit better than we probably could have, but just by past practices.
2421 The City of Las Vegas have not had a policy. There have been practices that have been allowed
2422 to take place here. And I think, from our standpoint, I'm not sure how the public views us as it
2423 relates to our high ranking officials who work for the City of Las Vegas, but it's the truth. We
2424 don't – deal with them on a day-to-day basis. We really don't and so we don't have an idea of

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2425 how they work. For a long time a lot of people assumed that Wendell Williams and Morse
2426 Arberry worked for me.

2427

2428 **UNIDENTIFIED FEMALE**

2429 (inaudible)

2430

2431 **COUNCILMAN WEEKLY**

2432 But they don't. Okay. But for us to sit here now and go through these findings, it seems like for
2433 us to focus in on – these two people here that we've talking about today, seems like if these two
2434 people here are in trouble, may need to go a little bit further. It sounds like a couple of other
2435 people are just as much as in trouble as they are. And if we're going to do anything, we need to
2436 make sure that we look at them also.

2437

2438 **MAYOR GOODMAN**

2439 Excuse me. Anybody else like to be heard at this time? Councilwoman?

2440

2441 **COUNCILWOMAN McDONALD**

42 Again I think that sitting through this hearing, probably have another ten questions that have
2443 come up just as a result of some of the comments that have been offered. And I think that there's
2444 a lot more documentation that needs to be provided to, you know, each and every one of us. And
2445 I think too that all of us bear some, you know, responsibility in, you know, this here situation.
2446 I can tell you that even though I may not be the most senior member of the City Council, you
2447 know, my tenure here at City Hall probably is the longest. And I was an Assistant City Manager
2448 under Larry Barton, and we've heard, you know, references to, you know, him throughout this
2449 testimony. And I think that there has been some, you know, hypocrisy that's come, you know,
2450 throughout this discussion and that I can tell you that, you know, back in the early 90s there was,
2451 you know, in a previous administration, that there was a desire to have members of the
2452 Legislature working for the City of Las Vegas because it was somewhat of a wink and a nod at a
2453 task that understanding that they had that, quote, unquote value to the City of Las Vegas in the

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2454 Legislature. Right, wrong or indifferent there was a policy direction ten years ago that these
2455 individuals had, you know, some value.

2456 And so, while I don't have, you know, documentation one way or another to say, you know, what
2457 conversations occurred in private, you know, a couple of things that I read in this document that I
2458 would probably say, you know, right on the mark. One was when the Director said that she felt
2459 some discomfort in holding these Legislative employees to a standard. I think that, I can tell you
2460 that that has always been an awkward feeling, you know, for myself, when we go before and
2461 testify before Legislators. I think this may have more to do with, you know, question number 2
2462 than, you know, question 1. But I think that that statement could legitimate be a sentiment that I
2463 think was a sincere sentiment offered, you know, by the Director. Now, I myself, I know that
2464 when, no matter who submits time cards for me, when I get my pay stub I make sure that every
2465 dime owed to Lynette Boggs McDonald is paid to Lynette Boggs McDonald. And so, you know,
2466 I think that whether it was through negligence or what not, that someone should have caught
2467 even on a pay stub how, whether it was work or sick leave or vacation because all of that is
2468 clearly delineated on one's pay stub. And so if it was an error, I think the employee has some
2469 responsibility to say that my pay stub is incorrect and taking it directly to the Treasurer or the
2470 Finance Director to get that, you know, clarified.

2471 So, I – guess I sit here with a lot more questions and needing to see more, you know,
2472 documentation. But, you know, I think that as a body, since, you know, we only have authority
2473 to, you know, have personnel sessions on three employees, that is the City Auditor, the City
2474 Manager and the City Attorney, that I would like to see an agenda item just to have a personnel
2475 session with the City Manager just to be able to discuss some things, you know, directly between
2476 the City Council and the City Manager as it just relates to some of the, you know, policies, such
2477 as, you know, Last Chance, you know, Agreements. And, you know, having a policy on that, I
2478 personally don't think, and I speak from someone who used to be an Assistant City Manager, I
2479 don't think that that should be an option for an appointive employee, in any circumstance. Our
2480 appointive employees are typically those who are management or have supervisory responsibility
2481 and, you know, they have to be the ones that are implementing in keeping their subordinates in

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2482 check as it relates the policies of the City and have a responsibility to know the policies of the
2483 City.

2484 So, again, I think that, I agree with Councilman Weekly, that it just doesn't rest solely on the
2485 shoulders of two individuals. It goes much deeper, in my view. But at the same time, you know,
2486 we have to, you know, hold everyone to the same standard. I can tell you that, the reason why I
2487 asked that question of the City Manager about other City employees, I – have, you know, when,
2488 in my days as a Assistant City Manager, I can tell, you know, stories upon stories of individuals
2489 who, you know, committed some fraud or made some policy errors, and I know for a fact they
2490 were terminated, you know, from the City. And so, I think we have to make sure that whatever
2491 the policy is that we're consistent in its applications for all individuals otherwise we will stand
2492 accused of, you know, of creating a preferential environment for employees. You know, it would
2493 be very easy to draw that type of conclusion, even though that might not have been the intent.
2494 So, I'd like to, again, request that we have that personnel session with the City Manager just to
2495 have these, this airing between the Council and the City Manager. And again, I just think that,
2496 you know, my thing is every appointive employee, you know, that it's a wake call to everyone in
2497 this organization that they're going to be held to a very tight standard, and you have a
2498 responsibility to make sure that, especially in cases when someone else is filling out your time
99 card, that you're monitoring that.

2500

2501 **MAYOR GOODMAN**

2502 Thank you. Anybody else. Councilman Mack?

2503

2504 **COUNCILMAN MACK**

2505 Thank you, Your Honor. Just a few observations and things that I mentioned in the past. I –
2506 truly believe that we should not take away the ability or opportunity for City employees to serve
2507 in another capacity, especially as members of the Nevada Legislature. But I also believe, should
2508 only, you should only be able to receive compensation from the body you serve at the current
2509 time.

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2510 The, I also like to mention the timing commitment, this – broadens beyond what we're talking
2511 about today. This (inaudible) from all local and state officials is so demanding that I think we
2512 should look at compensating all state and local officials at a full time – employee status. This
2513 will not only compensate the officials for their dedicated service, but also bring a close to the
2514 conflicts of interest that are related to outside employment, which not, which would not be
2515 permitted if a full time Council or State Legislature was enacted. Thank you.

2516

2517 **MAYOR GOODMAN**

2518 Anybody else? Councilman.

2519

2520 **COUNCILMAN BROWN**

2521 Thank you, Your Honor. Has been mentioned that, we certainly heard some conflicting
2522 statements on the record today in comparison to the Auditor's report, and perhaps what was
2523 quoted or written about in the media in the last week plus. So, as Councilwoman indicated, it
2524 seems that every question we have answered here today has raised an additional one, two or three
2525 questions that need to be addressed. And, if there's a motion to be made, I'm unclear on the
2526 direction, as far as continuing this body of work that has been started over the last few weeks,
2527 what direction we're going to give the Manager and/or the Auditor. There, there's a sense that,
2528 we certainly have a lot of other things to do in the City, and this is just another item that needs to
2529 be placed somewhere in the workload. And I'm not sure how productive this is going to be if
2530 we're going to start evaluating two years, four years, eight years, ten years, twelve years. I think
2531 there's gonna be a point of diminishing returns, but I – do feel adamant about getting some of
2532 this conflict put to rest, as far as personal statements, and things, documents been placed on the
2533 record. So, I would hope that the motion gives clarity to as far as the next step with this body of
2534 work. Thank you, Your Honor.

2535

2536 **MAYOR GOODMAN**

2537 All right. Thank you. Anybody else? All right. At this time I – have to say, as the Mayor of the
2538 City of Las Vegas I'm happy that we at least made an attempt in our very limited powers to

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2539 explore this. At the very, very best it's embarrassing. At the very, very worst we've heard
2540 material which I really believe has to be forwarded to the District Attorney's Office because they
2541 have resources that we don't have to resolve some of the – issues that have been raised today.
2542 **My motion will be that we ask the Manager to take action and put in place policies which**
2543 **rectify the shoddy, shameful practices that we've heard about, and correct the inadequacies**
2544 **by addressing issues of cell phone usage and payment by City employees, standardization**
2545 **and mechanisms of the Last Chance Agreement, the tracking of hours worked, sick leave**
2546 **and monitoring off site locations for all City employees, not just limited to those who are up**
2547 **at the Legislature. Guidelines for the City employees who serve in the Legislature or are**
2548 **elected or appointed in positions outside of the employment of the City of Las Vegas. I**
2549 **would like policies concerning the uniformity of ranges of penalty for behavior, which is**
2550 **against the best interest of our citizens. I'd like the Clerk to put as a line item the issue of**
2551 **ratification of Ms. Segerblom and her alleged termination on our next Council meeting or**
2552 **the next meeting, which is legally permissible. My motion will also include that we have the**
2553 **City Attorney request the Office of Special Counsel and or the Manager request the Office**
2554 **of Special Counsel to investigate whether there was a possible violation of the Hatch Act. I**
2555 **believe that there should be a discussion and a line item based on whether or not the City**
2556 **Council should be full time with commensurate pay so that we would be able to perhaps**
2557 **monitor this kind of activity more carefully in the future. And as part of that discussion,**
2558 **whether or not the Mayor/Council form of government should be explored. I'll add to the**
2559 **motion that we would request Dr. Selby to meet with us in a personnel session so we can**
2560 **candidly address some of the issues that took place today. I would ask the Fraud**
2561 **Committee to submit the facts to the District Attorney's Office after an update pursuant to**
2562 **what we've heard today by the Auditor.**
2563 And if there's anything else that you'd like to add, I'd be happy to consider it at this time. All
2564 right.
2565
2566

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2566 **COUNCILWOMAN McDONALD**

2567 And just for clarification, we're going, the policy direction, as it relates to service at the
2568 Legislature, we will realize the discussion that we're going to –

2569

2570 **MAYOR GOODMAN**

2571 On item 2.

2572

2573 **COUNCILWOMAN McDONALD**

2574 On item 2.

2575

2576 **MAYOR GOODMAN**

2577 That's correct, the complete discussion on that at this time. So, that's my motion, please vote.

2578 Post. Motion carries. **Motion carried unanimously with Moncrief excused**) Thank you.

2579 **(END RELATED DISCUSSION)**

2580

2581 **MAYOR GOODMAN**

2582 All right. Item 2 is discussion and possible action regarding the service of City employees in the
83 Nevada State Legislature and other matters pertaining thereto. The subject of whether a local
2584 government employee's coincidental service as a member of the State Legislature presents any
2585 conflicts of interest and whether, if such conflicts exist, how they should be managed, is of
2586 significant interest to the City of Las Vegas. In order to enable the City Council to give either
2587 general guidance or specific direction to staff on the development of proper policies, a full
2588 discussion by the Council is appropriate. So, at this time, I don't believe that it's necessary to
2589 have any kind of evidentiary presentation. The issue is fairly forthright. I'd like to get a
2590 consensus at this time because we are complying with the Open Meeting Law as to the position
2591 of each of the Council members, if they have one, concerning whether or not the City of Las
2592 Vegas should have a policy, which would either permit or exclude a City employee from serving
2593 in an elective capacity outside of their present employee (sic) with the City. So, I'm, I'll go in
2594 order of sonority, if I may. Councilman Reese?

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2595

2596 **COUNCILMAN REESE**

2597 Thank you, Your – Honor. I've always felt like that this is America and I feel like that I don't,
2598 and I'm not going to sit up here and try to explain why I think some citizen of America, an
2599 American citizen shouldn't be able to run for public office. I think it is a privilege. I've always
2600 felt like that it was a privilege for me to serve my constituency. I tried to do so as fair and
2601 honestly as I could, possibly could. I think there has to be items in place. I feel that if we are
2602 going to have a City employee that is going to serve in the Legislature, I feel that it would
2603 pertinent for them to have – the same test that they have to ask their attorneys up there whether to
2604 abstain or when they disclose. They set the policies for this Council. They put people in place to
2605 judge our ethics. I think it's important that any elected official in the Legislature, whether it be a
2606 City employee or anybody, should have to disclose and explain how they feel like it's going to
2607 benefit a member of the family or a friend or whatever. The – same disclosures that I have to
2608 make. I think there has to be a policy in place if we are going to allow a City employee to serve
2609 in the Legislature.

2610 And again, I feel like that if they do have to maintain their insurance or whatever, they could use
2611 the COBRA pay where they pay out of their pocket and – erase that conflict. But I do think that
12 there has to be a check and balance to make sure that everything is as it should have been in the
2613 past.

2614

2615 **MAYOR GOODMAN**

2616 Thank you. Councilman Brown?

2617

2618 **COUNCILMAN BROWN**

2619 Thank you, Your Honor. I would – agree. I – think everyone, every citizen has – the right to
2620 pursue elected office. And I think with that pursuit and – in elected office there's – a sacrifice
2621 involved, and – some of the problems we read about or heard today involve individuals or
2622 situations that, from my perspective, are a result of taking advantage of the best of both worlds,
2623 and – you can't have it. I would – support looking at a policy to better define the parameters of a

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2624 City employee running for elected office. But there're, I think there's a difference between, a
2625 legal difference between the status of an appointed position, a contractual position, whether it be
2626 with CEA or the fire, police. So, I'd be interested to see, as far as analysis, on if you can build
2627 equity into a situation that creates a differential in – how we look at our employees. So, that
2628 would certainly be my, part of my request, as far as additional information.

2629 And, what's – embarrassing about, not only today's hearing, certainly some of the other things
2630 that we've read happening in – government and other public agencies, is the fact that people are
2631 abusing the system, and there's no question. What we heard today certainly indicates that a lot of
2632 people have pushed the envelope, taken advantage of the situation, perhaps been involved in
2633 some kind of criminal activity, and that's obvious. And again, it's – an embarrassment for those
2634 at the City and other public agencies that are in this for the right reason and – are doing things to
2635 the best of their ability and are abiding by the policies and procedures. But I caution, as we move
2636 forward to create such a policy.

2637 Understanding, I – firmly believe that regardless of how pure, how clean, how specific a policy
2638 that we create, it's still going to come down to an individual. If that individual has bad intentions
2639 or if that individual feels he can take advantage of the situation, it's going to happen. So, I –
2640 don't think we should go into this thinking we're going to create a fail-safe mechanism to allow
41 what we heard today or someone to run for elected offices. We – we've just go to create the
2642 environment where there are protections in place. There are check and balances, and, that we,
2643 you can't legislate ethics. You can't legislate morals and you can't impose values onto to people
2644 that are going to do the opposite. So, as we move forward, I – I'd again, like to see the
2645 differential on how we classify employees, if we're going to create that policy.

2646 And secondly, just go in understanding that we can create as best a policy and procedure as
2647 possible, I support that, but understanding is the management of that policy, it's incumbent upon
2648 the Manager's Office, the supervisors, the managers, the directors, the City Council, the public,
2649 the media to be the watchdog on the good people, the good employees, who I feel constitute the
2650 majority of all public agencies in our Valley. And that small percentage that are going to take
2651 advantage of any situation, those are the ones we really have to weed out, those are the ones we
2652 have to keep our eyes on because those are the ones that cause – all these problems. And

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2653 innocent people have been brought into this situation and accusations made that I just don't think
2654 are fair, and I think in many cases are unfounded.

2655 So, I'd like us to move forward. I support Councilman Reese's comment as far as everyone's
2656 right for elected office. Just want to make sure we go in with as much information as possible
2657 and with our eyes wide open.

2658

2659 **MAYOR GOODMAN**

2660 All right. Thank you. Councilwoman.

2661

2662 **COUNCILWOMAN McDONALD**

2663 Thank you, Your Honor. There is a fail-safe method and that is, in my view, to say the City of
2664 Las Vegas will prohibit its employees from service in the Nevada Legislature. And I've, you
2665 know, have come to that position after thinking and studying and just really going back and forth
2666 in my mind on a lot of different levels. You know, even in America not everyone can serve in
2667 elected office. I can tell you that my father was a career soldier in the United States military and
2668 he was prohibited because of the nature of his profession from serving or seeking elective office.
2669 Any federal employee, for example, cannot, they would have to resign their position in the
2670 federal government before they can seek elective office. Most recently you saw a case in
2671 Louisiana. The gentleman who was a finalist for governor in that state had been an assistant
2672 secretary for a health and human services. He couldn't hold that job and run for governor of the
2673 State of Louisiana. He had to resign that position and then run for the Office of Governor.
2674 Because it comes down to the rationale, is that you cannot have the executive in the legislative
2675 branch serving together. It comes down to a separation of powers issue.

2676 And I can tell you that in, growing up in the military I lived in a lot of states, and I think if we
2677 had lived in a state where we had home-rule and what I mean by that, in the state I moved from
2678 in Oregon, if I was a City Councilwoman in Portland, Oregon, if I wanted to, you know, change
2679 the sales tax distribution or change the Charter of the City of Portland, we as a body of elected
2680 officials could just do that. We could either take it to the citizens of that city or as an elective
2681 body we could that. But in the State of Nevada there's no home-rule. And so, anything from

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2682 whether or not to change to a strong, hypothetically, for the record I don't support changing our
2683 form of government, but hypothetically, if we wanted to change to a different form, away from
2684 the Council/Manager form of government, we who are the experts and are sitting here dealing
2685 with the City's matter, would have no legal authority to do that. We would have to have a bill
2686 draft taken to the State Legislature to have that changed in our City Charter.

2687 And so I have seen, I have witnessed, you know, both as a City Councilwoman, as well as, you
2688 know, I was formerly in this last session the President of the Nevada League of Cities, and I can
2689 tell you that I have seen examples where you had Speaker Perkins, when we had this
2690 consolidated tax issue being debated before the Senate Government Affairs Committee where he
2691 was using his position as the Speaker of the House to push forward a legislative issue that
2692 benefited his employer, the City of Henderson. He was given the deference of being able to
2693 testify first because he was the Speaker and had the ability to hold everyone else's bills hostage if
2694 we did not defer to his position that was going benefit his City, his employer. So, I've seen it in
2695 action as recently as this last legislative session.

2696 And so I think that we put our employees in a bad situation when, you know, I don't know how
2697 Mr. Williams or Arberry would feel if the City of Las Vegas had a legislative issue that we felt
2698 very passionate about. I think it puts them in a very bad position because maybe from a policy
2699 perspective they individually didn't agree with that position. How could they say no to their
2700 employer. So, I think that a lot, having this situation where one minute a person is your
2701 subordinate and the next time they're your superior creates a very dangerous separation of
2702 powers situation. So, I think that we have to look to the Nevada Constitution, Article 3, Section
2703 1 of the Nevada Constitution, and I think that we have grown, not only as a City, but as a State to
2704 a large enough population that this sect, separation of powers where, you know, 30 years ago it
2705 wasn't something we had to really worry about. I think today we are probably in violation of the
2706 law of our land, our state and of our nation.

2707 And so, again, you know, to those that say that, you know, everyone should have an opportunity,
2708 I think there is enough case law and precedent to show that not every American citizen can seek
2709 political office. And I think that the only fail-safe mechanism that we would have to ensure that

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2710 we would not have these issues upon us in the future, is to adopt as a policy that no employee of
2711 the City of Las Vegas may hold elective office in the State of Nevada Legislature.

2712

2713 **MAYOR GOODMAN**

2714 Thank you. Councilman Mack.

2715

2716 **COUNCILMAN MACK**

2717 Thank you, Your Honor. I just want to echo – what I stated earlier. I do believe that we should
2718 have, allow the ability for any City employee the opportunity to be an elected official, but I think
2719 there should be some policies and procedures in place on compensation. And I believe that you
2720 can only serve one master and one form of compensation at the current time.

2721 I also think we should possibly look at a policy that would have the elected official report directly
2722 to the City Manager without putting the burden on the director or manager that they report to. I
2723 think it places an undue burden on the director that they're placed in front of. Thank you.

2724

2725 **MAYOR GOODMAN**

2726 Thank you. Councilman Weekly.

27

2728 **COUNCILMAN WEEKLY**

2729 For the record, he's not in front of me. Just messing with you. At any rate, I just want to say, I
2730 think it's a matter of opinion, personally, because I think it can be done. I'm, I just think what
2731 needs to happen is that there needs to be policies and they need to be enforced and they need to
2732 be understood. I think that what needs to happen here.

2733 I think that, I agree with Councilman Mack that I think that a position of a high ranking official
2734 working for the City of Las Vegas should directly report to the Manager's Office, since this is a
2735 Manager form of government, if you will. I think what we've learn, I guess I'm asking my
2736 question, what have we learned from this today. Is that we don't have any policies and that
2737 nothing has been enforced. And so, I think it can be done, but I'm, I guess, Mayor, I want to ask
2738 this question here for everyday people like me who want to know after all this verbiage that have

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2739 taken place, what's going on, you know. What happened, you know, are we going to hear
2740 another meeting? Are these folks terminated? Are they coming back to work? I think taxpayers
2741 want to know all that today also, while we're setting some policies in place. So, maybe in your
2742 final words maybe you can share that with the listening audience because I'm sure inquiring
2743 minds, like me, want to know.

2744

2745 **MAYOR GOODMAN**

2746 All right. Thank you, Councilman. Rather than for me to answer that question, I'm going to turn
2747 to Dr. Selby. Are, is Mr. Williams terminated?

2748

2749 **CITY MANAGER SELBY**

2750 Mayor and Council, as of this point in time neither Mr. Williams nor Ms. Segerblom have been
2751 terminated from employment. They have been advised that that is our intent. However, I wanted
2752 to hear what was happening in this meeting today before taking that final step. And hearing what
2753 I've heard, I will – consider what we've heard prior to making a final decision.

2754

2755 **MAYOR GOODMAN**

2756 All right. Thank you.

2757

2758 **COUNCILMAN REESE**

2759 (Inaudible)

2760

2761 **MAYOR GOODMAN**

2762 Excuse me?

2763

2764 **COUNCILMAN WEEKLY**

2765 They're going to come back before us?

2766

2767 **MAYOR GOODMAN**

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2768 Well, as far as Mr. Williams is concerned, we have no jurisdiction over him under our City
2769 Charter, as far as his employment. As far as Ms. Segerblom is concerned, the way I read the City
2770 Charter we have the ability to ratify or not ratify the recommendation of the City Manager.
2771 You know, this is, it's really a very interesting philosophical question. The – issue, as I see it,
2772 isn't really one of whether or not a City employee can serve in the legislature without creating
2773 conflicts of interest. That's – not really what I think is the ultimate question. The ultimate
2774 question is how does the legislature conduct its business. We, when we have a conflict of
2775 interest have to make a disclosure and abstain. From what I hear, and a little bit that I know, in
2776 the legislature you have folks who are employed by governmental entities who go up there and
2777 advocate the position which is in the best interest of the entity from which they came where they
2778 were primarily employed before they were the part-time civilian politician that our legislature
2779 has, and that appears to – be the problem, because, if in fact, as Councilwoman indicated, 10
2780 years ago under a different administration there was a suggestion that you get as many legislators
2781 as you can who are working for the City up there so you have a, an advantage when you don't
2782 have somebody from the City up there who was looking out for the City's best interest, you are at
2783 a disadvantage.

2784 So, I would suggest that until the legislature puts in place a policy similar to ours, which I think
85 it's a healthy policy, disclosure and abstention that I would have to take the position that I don't
2786 want to be at that disadvantage. I – agree that you ask for trouble when you have somebody in
2787 Mr. Williams' position who is up there, very powerful, doing what he considers to be, what is in
2788 the City's best interest, then coming back, in essence being rewarded for it, that he has a persona,
2789 which is one that has to be very respected and perhaps feared by somebody who works with him
2790 on a daily basis here in the City. And there are no simple an, there're no simple answers here.
2791 It's not a situation where I could easily say, and as the Councilwoman said, it is fail-safe, say the
2792 City employees can't – serve. That ends it, just like a judge saying that I'm not going to let
2793 somebody out on bail because I'm afraid that he's going to commit another crime when in fact
2794 the judge believes that probably is a good – risk to be out on bail and bail would be appropriate.
2795 But it's fail-safe when you keep him locked up.

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2796 So, this is – not an easy – issue. What I would like to see is I would like to hear from the
2797 legislature whether they will in fact put in place safeguards, which would protect against
2798 conflicts of interests. If they will not, then I would have to take the position that the City should
2799 not participate in what I consider to be a situation fraught with danger and I would support that a
2800 City employee would not be permitted to go up to Carson. But I would certainly like to give the
2801 legislature the opportunity to correct the – what I consider to be the problem first. And if in fact
2802 a City employee goes up to the legislature, under that circumstance, until we get an answer from
2803 the legislature, I believe the City employee should take a leave of absence, that receive no pay
2804 and no benefits whatsoever, unless he reaches or she reaches into her own pocket and makes a
2805 contribution for a COBRA, which would be continuing insurance, and that the City would not be
2806 out any kind of expenditure at all. But I think that this an issue that goes perhaps deep into
2807 politics and deep into the legislature and I'd like to hear the legislature's response.
2808 So, that's our direction, Mr. Manager. If you can fir it out because we do not unanimity here, if
2809 you can fir it out where we're standing and for further discussion with the Council, I would –
2810 direct you to enter into those kind of discussions with us. Thank you. All right folks, thank you
2811 very much.

END OF RELATED DISCUSSION

2812
13

2814 **MAYOR GOODMAN**

2815 This is the time for Citizen Participation. Items raised under this portion of the Special City
2816 Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open
2817 Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please
2818 step up to the podium and clearly state your name and address. I'm not going to put the
2819 limitation as I usually do on a ten-minute time period regarding a similar commentary on as
2820 similar issue because you may want to all be speaking on the same issue, but I will put the three-
2821 minute timer on so we'll give everybody an opportunity to be heard. Senator?

2822

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2822 **JOE NEAL**

2823 Yes, thank you, Mr. Mayor and the Council members. Just wanted to share with you some of my
2824 thoughts –

2825

2826 **MAYOR GOODMAN**

2827 We have to have your, tell us who you are for purposes of the record and where you live.

2828

2829 **JOE NEAL**

2830 Okay. For purposes of the record, State Senator Joe Neal. I reside in North Las Vegas, 304
2831 Lance Avenue, North Las Vegas, 89030, and I'm here today because the issue in which you're
2832 dealing with concerning Mr. Williams happened to overlap into my particular area and also
2833 represent the Las Vegas City as a State Senator. You are part of my – district, by no means, all of
2834 my district, but you're part of my district. And I just wanted to share some thoughts with you
2835 relative to this particular issue.

2836 You know the – constitution in our state sets out very well as to how people are elected to the
2837 legislature and the constitution, Nevada Constitution speaks to the fact that you have to be an
2838 elector, the citizen registered vote. If you are you can run for any office with the exception of
39 those that are covered by the Executive Branch, the Legislative Branch or the Supreme Court.

2840 And I just heard the Councilwoman cite Article 3, Section 1 of the Constitution. But you have to
2841 read that in conjunction with the other three articles in order to get the sense of who should serve
2842 in the legislature, and it does not prohibit citizens from running from any particular city because,
2843 as someone has already expressed, the cities in this State, and I think the Councilwoman
2844 McDonald indicated that you do not have home-rule, which simply means that each section of
2845 the legislature that you, at the behest of the legislature in terms of making those changes. We
2846 make your Charter changes all the time. And so, when you find yourself with the person in your
2847 midst who have been elected to the legislature, you essentially have a tiger by the tail, so to
2848 speak, and you hope that we – can recognize that. But even though that that person has a right to
2849 be there, that person has a right to run because you cannot, as a Council City deny any person
2850 within the City from running for the legislature, if that person has the desire to do so. You can

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2851 cut the salaries and those type things, but you cannot prohibit that individual from becoming a
2852 member of the legislature because the Constitution now has been interpreted by three Attorney
2853 Generals that say that certain individuals can run.

2854 Now, I want to tell you as a Senator who has been in the legislature for 31 years that this is
2855 William (sic) and Arberry is not the first individuals to run from the City of Las Vegas. You've
2856 had individuals in the past who have been elected. You've had individuals in the past who have
2857 been elected from the County. The problem that we have with this whole situation is, and we
2858 probably going have to deal with it from the legislative level, is the fact that we have various
2859 cities, government, universities, county governments involved whereby we're going have to have
2860 a policy that deals with that situation. Whereas Mr. Perkins who is a Speaker, Deputy Chief of
2861 the City of Henderson, drew all of his salary during the time that he served in the legislature.
2862 And here you are here you can, you know, stressing over the fact that Williams has drawn so
2863 much money and here is a man who is the Speaker of the House. And what we find with that
2864 particular City, they seem to be supporting him in that because they said that he did work and he
2865 claims that he did work. And of course, I found his comments quite interesting when I was
2866 coming back from Washington D.C. and saw a picture on the front page of the paper after
2867 Williams and Arberry had appeared, he said, well, I'm not like them. And I find that to be quite
68 interesting to have him to make that particular statement. But –

2869

2870 **MAYOR GOODMAN**

2871 Senator, I'm going have to cut you short.

2872

2873 **JOE NEAL**

2874 Yes.

2875

2876 **MAYOR GOODMAN**

2877 So the others will speak.

2878

2879

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2880 **JOE NEAL**

2881 Well, I just wanted to say, and I hope that you understand Mr. Mayor, I stand before you as an
2882 elected representative that deals with the problem that you're trying to take care of. Now, if you
2883 do not want to hear, you know, what I have to say, you know, I can stand back from the mike
2884 and, you know, we can talk about this in the legislative session, you see.

2885

2886 **MAYOR GOODMAN**

2887 Your turn.

2888

2889 **PATRICIA BROWN**

2890 She was there first. I'm going let her go first. She was standing there first.

2891

2892 **JOHNNY MAE BENNETT**

2893 My name is Johnny Mae Bennett. I reside at 3645 East San Antonio Avenue, Las Vegas,
2894 Nevada, 89115. I really thought that we were going to lay this matter to rest today. The
2895 community has suffered punitive damage. When and where will this end? It's time for it to
2896 come to an end. We don't need further discussion. But as I listened very carefully, I listened
2897 there was too much hearsay in the explanation about what happened. We are saddled with
2898 hearsay and that's not acceptable. So, my suggestion is, and before I go too far, you're not out of
2899 the woods Councilman Weekly when you mentioned if there's some hanky panky at Doolittle the
2900 seniors. Well, the seniors have lived long enough to know that if that Andre Agassi school was
2901 standing out in the community, whether it's hanky panky or whatever, you were going, the City
2902 was going to improve Doolittle. So, that's self-explanatory.

2903 But here's what I would like to suggest after all this hearsay. We need specific rules. We need –
2904 rule for the City employees and then we need specific rules for those who serve in the legislature,
2905 and when I hear that, I'm not quite sure who said it, I took my notes, but I won't go to it, that
2906 City employees should not run for office, are we promoting a dumb society. These intellects,
2907 these intellectual people should be in a position to make decisions. Now, I'm not saying that
2908 you're not intellectual, but I'm saying you have wasted too much time on this foolishness. This

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2909 is foolishness. You don't have rules, you put your rules in place and you really don't need to
2910 start saying I'll send it to this office, I've sent it to that office. You have one welcome out with
2911 this. This should be laid to rest. We should be calling Davis Funeral Home to lay this to rest
2912 now. So, give it your best shot, but we can't afford – this kind of behavior, whether you are
2913 ashamed, I'm not ashamed. I'm just weary, worn, and tired.

2914

2915 **MAYOR GOODMAN**

2916 All right. Thank you.

2917

2918 **JOHNNY MAE BENNETT**

2919 And I'm not the only one. The community feels that this is punitive action. Get yourself some
2920 rules for your City employees. It's evident you don't have it.

2921

2922 **MAYOR GOODMAN**

2923 All right. Thank you. Thank you.

2924

2925 **JOHNNY MAE BENNETT**

26 And get you some rules specifically for those who serve in the legislature, but do not advocate a
2927 dumb society.

2928

2929 **MAYOR GOODMAN**

2930 Thank you.

2931

2932 **JOHNNY MAE BENNETT**

2933 Thank you kindly.

2934

2935 **MAYOR GOODMAN**

2936 Did you want to be heard?

2937

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2938 **PATRICIA BROWN**

2939 Yes, I sure did. Patricia Brown, 507 Prescott. I've live on the West side, I was raised here in
2940 Vegas. I've been here since I was two years old, so I'm quite familiar with our Assemblyman
2941 Wendell Williams and some of the things that he did, as far as our community is concerned. And
2942 when this came about we were really, really concerned as to how this was going to go. As I was
2943 reviewing what each and everyone of you Councilman said, I noticed that someone said a
2944 particular thing about the separation of powers, and I think that may be the key to how this could
2945 never happen again where we have one of our people brought up like this. If they separate
2946 exactly what a City employee can do if they are elected into an office of a State Assemblyman.
2947 Separate the two. He's only up there at the legislature for a few months out of the year. It's not a
2948 12-month job for him, so I'm sure that wouldn't bring in enough income to keep the Councilmen,
2949 you know, abreast of what he needed to do for supplying for himself and his family.
2950 So, if you would separate the time that he's in the legislature as to exactly what you're doing and
2951 not allow for his superiors or supervisors to tell him do this on the Annexation Bill or speak to
2952 this person or call this person or see this person. Specifically set aside your rules and regulations,
2953 which I notice, Councilman Weekly said that, as you were questioned each and every person, you
2954 could see that there were not enough regulations and rules in place as to clearly say that he broke
55 a rule or he broke a regulation. So, when you look at it, put those things into place before they
2956 move ahead and try to say that something went wrong, 'cause right now is the furthest spot as to
2957 what exactly went wrong because they're so lax (sic) for the rules and regulations in the two
2958 things City and State are concerned. So, when you look into it, I say, look at the whole thing of
2959 separating that, not so much as saying that your employees can't become, you know, state
2960 officers or State Assemblyman or elected officers, but separate what they can do and what they
2961 can't do so they clearly understand. And have them, you know, writ, give them written
2962 information as to the guidelines of the rules and regulations of what you expect from them, how
2963 you expect them to do their timecards, what you're expecting to put on them, if you can use sick
2964 leave, if you can use annual leave and if you can't. And I think that'll – solve a lot of your
2965 problems, because like you say, most City employees they aspire to do something bigger and that

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2966 may be to be an elected official, and I don't think that should be taken away from them. That's
2967 all I got to say.

2968

2969 **MAYOR GOODMAN**

2970 Thank you very much. Yes, Sir.

2971

2972 **CHRISTOPHER HANSEN**

2973 My name is Christopher Hansen. My home address is 2834 Yorkshire Avenue in Henderson,
2974 Nevada. I am the Clark County Chairman of the Nevadans for Sound Government. We are
2975 currently working on a petition to make this question moot. I loved absolutely what
2976 Councilwoman McDonald said that there is a question of separation of powers here. When you
2977 said that it didn't apply 30 years ago, there was a 1955 Attorney's General's opinion that was
2978 very clear. Wendell Williams ran for office when he was working for the School District. That
2979 is right on point. It said that a person that was working for the School District could not run for
2980 such an office. There was a conflict between Attorney's General opinion on this specific subject.
2981 Bob List is currently supporting our petition. He is the one that had the Attorney's General
2982 opinion that says that Wendell Williams and Perkins and Arberry could run for office. There's a
83 conflict on this. All he, all these people are is the Attorney's General. They are not the judges.
2984 They are not the Nevada Supreme Court. What this needs to be decided by is the people of
2985 Nevada. It's very simple. We've been gath, gathering petitions. Right now when we talk to
2986 register voters we're getting approximately 70% of the register voters believe that you should not
2987 be able to double dip, that you should not be able to work for any government in this State,
2988 County, City or State government and be able to be elected, not be elected, but serve in the – in
2989 these offices.

2990 Now, our current petition says that you can run for the office if you work for the City. We're not
2991 going to take away that choice. It's says that you can be elected, but you cannot serve at the same
2992 time. You will have to resign your position. So, that doesn't take away your right to run. Today
2993 I had to decide whether I would come out here and try and gather signatures or whether I would
2994 work. It cost me \$200. There are choices to be made.

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2995 I'm a member of the Independent American Party. You talk about not getting paid for what you
2996 do politically. We never get paid. We've been working on this for years. My sister is the
2997 longest continuous lobbyist in the State of Nevada, 30 years working for the Independent
2998 American Party as a lobbyist up there. We don't get paid for these things. She takes off
2999 completely from work the whole time that she's up there, that, the same amount of time that an
3000 assemblyman or a senator would have to take, and she has to go there and do this. There are
3001 sacrifices to be made in the United States of America to do this.

3002 Now, this is a real simple question. Everybody claims we live in a democracy. I believe we live
3003 in a Republic. But this is a democratic move here. All you have to do is put it up to a vote of the
3004 people and clarify the Constitution so that the Attorney's General – do not have to make these
3005 decisions. Put it up to a vote of the people. I challenge each one of you Council members to
3006 allow this and come out and sign the petition and say yes it should be up to the people to decide
3007 who should be able to be in office and who can run for office. It's out there. It's available. It's a
3008 choice. It takes away the problems. Thank you very much.

3009

3010 **MAYOR GOODMAN**

3011 Thank you. Yes.

3012

3013 **JAMES TATE**

3014 My name is Dr. James Tate, 1701 West Charleston Boulevard, and I have some observations
3015 first. I'm ashamed, frankly, at the way this was done. Okay. This was more like a lynching than
3016 it was a hearing. Okay. And I think you all have to share that responsibility. And frankly the
3017 way Assemblyman Williams was questioned, I don't think you would question anybody else in
3018 the State in that aggressive or hostile a manner. And for one, as a member of the African-
3019 American community, I don't appreciate it and we will remember it at election time.
3020 Once, one, you knew he was an assemblyman before he was hired by the City. You don't have
3021 any policies in place and that's the fault of your City Manager. Okay. If you're going to fire
3022 somebody, I would suggest you start with the City Manager.

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3023 Number two, it seems to me that there's a difference here. Richard Perkins is in Henderson.
3024 Henderson tells the red neck Journal and half baked Sun where to go when they ask about
3025 information about him. The City of Las Vegas abandoned Wendell Williams and does just the
3026 opposite, goes after him.

3027 You talk about the Hatch Act, well if you're going investigate the Hatch Act, let's start with
3028 Richard Perkins. Okay. Why isn't he being investigated for the Hatch Act? Oh, I'm sorry. You
3029 know, sometimes I'm not the sharpest knife in the drawer and I forgot, they wear a different
3030 uniforms, don't they?

3031 You need to have the employees a policy where the City employees, when they are elected to the
3032 legislature, they are doing City business and you just pay 'em. You don't play these kind of
3033 games, you just pay 'em, you keep paying 'em when they're up at the legislature. Okay? Simple.
3034 Not saying they can't run for the legislature. I have a feeling that will probably be struck down
3035 by the Supreme Court.

3036 Finally. I'm a little concerned about what's happening to Wendell Williams. Forty-two days on
3037 the front page of the red neck journal. That's a problem. It's not just Wendell Williams; it's not
3038 just here in Nevada. Black elected officials are coming under attack everywhere in this country.
3039 Now, I know there's a different policy now at 802 sitting at 1600 Pennsylvania Avenue, but I
3040 think we, you, you're going find that this community is going to begin to really look at that, you
3041 know, why are black elected officials like the Mayor of Philadelphia, Mayor of Detroit now
3042 coming under attack. I suggest that what George Jr. is doing is the same thing that Ronald
3043 Reagan did. Ronald Reagan administration had a policy that they called the primitive man policy
3044 and according to that policy black people do not have the moral or the intellectual capability of
3045 holding public office and so they went after every black elected official they could find. It ain't
3046 going work, this ain't Ronald Reagan, this ain't 1980. Thank you.

3047

3048 **MAYOR GOODMAN**

3049 Thank you. Yes.

3050

3051

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3052 **TOM MCGOWAN**

3053 Tom McGowan, Las Vegas resident. Pretty hard to follow so many class acts in a row, and I
3054 mean that sincerely. Dr. Tate has my full admiration and respect. He should have yours too.
3055 Perhaps you will earn his.

3056 Tom McGowan, Las Vegas resident. I just got here in 1954. To the best of my direct
3057 knowledge, Wendell Williams is one of the brightest, most dedicated men the City of Las Vegas
3058 and the State of Nevada has ever known, no exceptions. I was privileged to join with Mr.
3059 Williams in the civil right march on Fremont Street to this particular plaza at around the time
3060 following the Rodney King riots. Now, just as a suggestion, and you don't need to hear this, you
3061 heard this when you were children, let he or she who is without sin cast the first stone. And the
3062 way the old joke goes is, come on ma let's be fair. It was only one Immaculate Conception I ever
3063 heard of. If you got another one let's hear it.

3064 Here's my comment. It's been said you can't legislate ethics or morality. However, nothing in
3065 fact, law or reason precludes, prohibits or otherwise limits individual and in group voluntary
3066 reformed based attainment to a higher idolized standard of ethics, morality, reason, integrity,
3067 responsibility, accountability, and above all conscience, that's the key word. That's all it takes to
3068 have a better society and government. That's all. A better community comprised of better
3069 people, respectfully and inclusively, but first we have to really want it in order to make it so. But
3070 human means imperfect and the frailties and foibles of human nature lead us into a state of denial
3071 where too soon the Peter Principle takes effect and we've reached the limit of our own capability.
3072 Frustrated we look for short cuts. We erroneously assume the end justifies the means as we
3073 engage in limited civic experience driven rationale in the furtherance of our own subjective
3074 agenda without regard for the common good, the genuine best public interest. And that's when
3075 society and government begins to fail and fall apart, poised and precipitous decline toward an
3076 ultimate end state of socio economic and political non-viability, because there are no short cuts.
3077 The shortest distance between two points will always be a straight line. In fact, the straight
3078 narrow path that we've always known about and change the universal constant.

3079 All we need is intellect, free will and conscience, there it is again, and with the help of Almighty
3080 God we can change this world for the better. Each and all of us together can make this place a

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3081 paradise on earth, for everyone inclusively, but first we have to really want to do that. Now, who
3082 wants to go first? Happy Thanksgiving. Merry Christmas and a Happy and Prosperous New
3083 Year to each and all of you. I'll save my other comments for some other meeting because this is
3084 the only seemingly way to speak at this open public forum. We need a sense of community and
3085 humility in front of Almighty God. Good-bye, for now.

3086

3087 **MAYOR GOODMAN**

3088 Thank you.

3089

3090 **DICK GEYER**

3091 Dick Geyer, 8260 Hilton Head Court. George Harris of the Nevada for Sound Government,
3092 whose backing at great extent the petition is not able to be here today and e-mailed him and said I
3093 would come and say a few words, as I'm helping out on that project. We staunch believers in the
3094 – constitution of the America and the one that we have here in Nevada. Over the years both of
3095 those documents have been – severely weakened or disregarded. It takes people to standup and –
3096 fight for them or it's, this will – slowly dissolve away to the desires and wishes and – in many
3097 ways they're very good desires and wishes that people have, but this is a country of the will of
98 law and those constitutions should be invaluable and not variable.

3099 As to the solution which has been proposed, I – find it interesting in that a legislator from the
3100 City, who is also an employee, and has nothing to do with the people who are involved today, but
3101 just in general, going up there, if they recuse themselves from many of these discussions that had
3102 to do with the City of Las Vegas they would be virtually worthless. I don't know when they
3103 would be allowed to speak. I don't know how hard they'd be allowed to advocate. It would be
3104 very, very different than the, I think in the situations, which you face as individuals where you
3105 may own a piece of property or you may own, have a good friend or somebody that you wish to
3106 call attention to everyone, and then not participate in the vote. But I certainly would not want a
3107 representative from the City to be a City employee if they had to continually decline to
3108 participate in either the discussion or the votes.

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3109 And so, I'm very resolute in believing that the decision should be made that the people who work
3110 for the City should not be assemblyman. As the able gentleman spoke before, they can run, but
3111 once they run they have to resign. I would rather have true representatives of the City able to
3112 speak out and advocate things for the City without any restrictions on them, such as you are
3113 proposing. So, I'm hoping also that you'll help us with the petition. Thank you very much.

3114

3115 **MAYOR GOODMAN**

3116 Thank you. Yes, Sir.

3117

3118 **LEE HAYNES**

3119 My name is Lee Haynes. I'm a resident of Boulder City, Nevada. So, what am I doing here
3120 before the Las Vegas City Council? I want to let the Council know a little background on this
3121 thing, and incidentally, who ever believes that Richard Perkins is not being under, is not under
3122 investigation because of the Hatch Act, is misinformed.

3123 Seven years ago, two of us, that were interested in the question of the Hatch Act and serving,
3124 public employees serving in a legislative elected position met and began working on this. Knight
3125 Allen was one. I was the other. Maybe there were more, but I don't know about them. We read
26 the entire Hatch Act. We found how it was first instituted by George Washington, a dead white
3127 male with executive orders carried on by Thomas Jefferson and finally consolidated as legislation
3128 under Theodore Roosevelt. It's very clear anytime there's federal money involved you can't
3129 serve in an elected position or where you control that money. Back in 2000, I submitted a
3130 request to the Department of Justice who transferred it to the special counsel involved. My
3131 problem was with the former Las Vegas City Council, housing administrator, Mr. Brown and his
3132 admitted service to Dario Herrera in a congressional campaign. Also, Mr. Perkins was
3133 mentioned in that complaint. I was told informally that the City of Henderson had built firewalls
3134 between Mr. Perkins and the Hatch Act. It seemed like that was misinformation. Mr. Brown
3135 died, so that was moot on that question.

3136 I've also, which your City legal department doesn't like a common citizen doing, I have read
3137 Chapter 6 of the Nevada Revised Statutes. I've also read the employment statutes and I've also

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3138 read about jury selection. Three citizens can ask for a grand jury selection in time that there's
3139 any question of it costing the taxpayers money. Three citizens are now doing that.
3140 On the Richard Perkins matter, I have petitioned the Secretary of State to investigate the
3141 expenditure going back to 1992, I pulled every financial disclosure, every campaign record. Mr.
3142 Perkins never disclosed the \$36,000 the City spent on him. This is being done so whatever you
3143 do here will really, I guess, do nothing but sooth a bad situation that you inherited. Thank you
3144 for listening to me and we're going to continue. You cannot have a federal, a state or a city or a
3145 school employee participate in the legislature. It's impossible. Thank you.

46

3147 **MAYOR GOODMAN**

3148 Thank you. Yes, ma'am.

3149

3150 **LOIS REED**

3151 Yes. Lois Reed, 2033 Travis, North Las Vegas, Nevada. And Mayor, I must agree with you, you
3152 say you are embarrassed, I'm embarrassed for you to let something like this continue on
3153 throughout our City. It sets a double standard, not only for yourself, but the people that you
3154 represent. And what I don't understand is, with the Barton Act, it was enacted so they could use
55 that time for – the eight hours to be paid. Why is that sick leave was counted out when sick leave
3156 is a part of pay earned too?

3157 And you asked this gentleman here, Mr. Selby, is Mr. Williams fired? Well, the question to me,
3158 why is he, not being investigated for him enacting the Last Chance when it wasn't used for what
3159 it was intended? Why isn't he being investigated?

3160 And another thing, you sent this gentleman out to investigate, to find out things that we didn't
3161 know. You wasted the taxpayers' money, we still don't know. That's all I heard; I don't know, I
3162 don't know. So, what I suggest to you to end this, let Wendell Williams get back to work. Let
3163 him get back to the community. The community misses him, our community suffers, and it's not
3164 that he's been paid for what he did. I would hate to think he reported to work everyday and
3165 knowing the type of rapport he has in the community, that he wasn't going get an upgrade at

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3166 some time in the City. Did you expect for him to work his years throughout with the same rate of
3167 pay?

3168 And my last thing to you, I listened to you at the City Council saying, well, okay, I'm going to
3169 legalize prostitution. Does that mean you're going legalize pimping and pandering too? That's a
3170 double, a form of double dipping for the City as well. Anytime you transaction hand-to-hand
3171 money, you're utilizing a female's body for sex and entertainment in the City. So, are you
3172 changing that law to benefit the City, yourself or who? Who does that go to? Is that double
3173 dipping? Have a nice Thanksgiving.

174

3175 **MAYOR GOODMAN**

3176 Thank you very much. Yes, Sir.

3177

3178 **HENRY THORNS**

3179 Mayor and Council, Councilwoman, Henry Thorns, 700 Boulevard. You know, I come here the
3180 day I'd seen on TV. I said this time I'm getting my butt up and I'm going go down there and I'm
3181 going to speak. I'm going to speak for a man that I hold highly respect for, and that is Wendell
3182 P. Williams. Okay. He helped me. He helped the kids in our neighborhood. I mean, without
83 that neighborhood service that been closed down, you know, it's like, it's even hard to even go to
3184 our community to find anybody to help us do anything. You know, we, I guess we have
3185 Councilman Weekly, but Councilman Weekly is one man. Okay.

3186 Like Mr. Brown said, it's attack out there. It's attack on black people and I do not play the race
3187 game because I love everybody. When I sit there and saw Wendell in the newspaper over and
3188 over and over and over, I'm like, wow, what's going on here? Okay. At the same time, we find
3189 some in our district having nobody mentioned it when peoples getting hurt on the job out there at
3190 Findlay's and Saturn and people doing things to try to let you guys know. And nobody saying
3191 nothing about that. You know, what I'm saying? Now, one thing I can say, I admire every last
3192 one of you up here. I really do and that's from my heart. Me and Mayor go at it, the Mayor is a –
3193 a stud. You know sometimes you got to get back up the Mayor cause the Mayor is, he the man

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3194 and I appreciate everything the Mayor had done for me or not having done for me, but I'm still
3195 like the Mayor, okay.

3196 But I'm still going come to you, not only are we being attacked with – Wendell and news, our
3197 kids are still being attacked. You know, I told you this long time ago and since I told you that
3198 there been, like what, 40 murders? You know, I understand, you know, you can't solve the
3199 problem, but let's try to start doing something to solve the problem. All this newspaper that's
3200 running out there attacking Wendell, hey, put them 40 dead and say, hey, let's do something to
3201 stop gang violence. I know this is not the place to come talk about gang violence, but it is a time
3202 to rest, because if you don't rest this now, you're going make them young gang bangers and their
3203 father take it to another level. And I remember I've kept telling you this and everything I tell you
3204 it seems to come in flow. A lot of people love that man. Whatever he did wrong, whatever
3205 Segerblom did wrong, it was no rules. You have no law against it. Rest this now so we can all
3206 can sleep later. And I appreciate you like I said. I like all of you, no matter what goes on. I still
3207 like all you all. Thank you.

3208

3209 **MAYOR GOODMAN**

3210 Thank you.

11

3212 **AL GALLEGO**

3213 Al Gallego, citizen of Las Vegas. For months and months and months I've been saying this City
3214 is falling apart, and boy is it falling apart. I had friends out-of-state and the first thing they told
3215 me, what's happening to Las Vegas? I said, well, I said, it's falling apart. The problem doesn't
3216 start with Mr. Williams. It doesn't start with the City Manager. It doesn't start with the janitor
3217 here – in this City. It starts with you. You are to blame. I see you every single City Council
3218 meeting and you're abstaining, you're abstaining, you're abstaining and you're voting on things
3219 that you have, should be voting. If you want to know what you've been voting, come to my
3220 house and I'll hear your confession and I'll tell you what you've been voting on. But you people,
3221 it's start at the very, very top. You're the leaders of City of Las Vegas. Thank you.

3222

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3223 **MAYOR GOODMAN**

3224 Thank you.

3225

3226 **TOMMY RICKETTS**

3227 Tommy Ricketts, Las Vegas City Employees Association, President. I just wanted to speak on
3228 two issues. Those two issues are, since I do represent the classified City employees, I think there
3229 is a useful benefit for exercising ones right to run for elected office, as – well as all of you, even
3230 though you're part-time City employees I feel that your position should be full time paid
3231 positions. I would support that and use any means possible in getting out the opposite side of
3232 that coin. Likewise, with serving in the legislature, even though I consider myself a conservative,
3233 I can, I cannot support overturning a, the Nevada State Constitution on the fact that public
3234 employees, in ones view, can't serve adequately in the State Legislature. I – ask myself, and I
3235 pondered coming up here and speaking to you, but I just have to bring this out.

3236 As a public employee my loyalty is to the City of Las Vegas in making this a better place. I –
3237 pronounced that everywhere I go. I'm fond of this great city. And when somebody says that a
3238 public employee can't serve, I look at myself in the mirror, I only one loyalty and that's – to the
3239 City. When I look at an independent businessman or a private citizen, you don't tell me that
40 special interests aren't there and there's not a need to get ahead. As a public employee, I have no
3241 need to get ahead. I'm trying to do what I believe in and do what's right for the citizens and for
3242 this great State. So, I have to say that.

3243 And on an ending note, even though the City Manager's Office and myself come into conflict
3244 over issues and we agree to disagree, I – can say that, at least in the dealings with classified City
3245 employees, I believe the City Manager's Office has been fair and has done a great job. So, with
3246 that I – would strongly encourage you to follow Councilman's Brown recommendations in
3247 looking out the distinguishing characteristics when looking at an appointive employee, which
3248 we're talking about at this Council meeting, and the classified employees that – have certain
3249 collective bargaining agreements that do allow accumulation of – leave time, other than sick
3250 leave, that they can use to help subsidize their PERS contributions. Because when an employee,
3251 a public employee has to take a leave of absence, if there isn't any time on the books after 30

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3252 days, their PERS contributions and their insurance is affected. So, I would consider everything
3253 that you can look into on that matter. Thank you.

3254

3255 **MAYOR GOODMAN**

3256 Thank you. Would anybody else like to be heard? All right, thank you very much everybody, the
3257 meeting is adjourned.

3258 **(END OF DISCUSSION)**

3259 /ac;bkb

City of Las Vegas

Agenda Item No. 2

AGENDA SUMMARY PAGE**SPECIAL CITY COUNCIL MEETING OF: NOVEMBER 25, 2003****DEPARTMENT: CITY MANAGER****DIRECTOR: DOUGLAS A. SELBY**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Discussion and possible action regarding the service of City employees in the Nevada State Legislature and other matters pertaining thereto

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The subject of whether a local government employee's coincidental service as a member of the State Legislature presents any conflicts of interest and whether, if such conflicts exist, how they should be managed, is of significant interest to the City of Las Vegas. In order to enable the City Council to give either general guidance or specific direction to staff on the development of proper policies, a full discussion with Council capability to act is appropriate.

RECOMMENDATION:

None at this time.

BACKUP DOCUMENTATION:

None

MINUTES:

NOTE: A Combined Verbatim Transcript of Items 1, 2 and Citizen Participation is made a part of the Final Minutes under Item 1.

NOTE: MAYOR GOODMAN indicated that City employees should take a leave of absence, receiving no pay or benefits when serving in another elected capacity. The employee should contribute for COBRA coverage to continue insurance and other benefits so that the City will not experience any kind of expenditure. He also directed the City Manager to research and report to the City Council whether the Legislature would consider implementing safeguards to protect against conflicts of interests. If the Legislature will not, then he stressed that the City must act to prevent a situation he considers fraught with danger, and that may include prohibiting a City employee from both serving in Carson City and continuing as a City employee.

(2:36 – 5:30)

1-1/2-1

City of Las Vegas

AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: NOVEMBER 25, 2003

CITIZENS PARTICIPATION:

Items raised under this portion of the Special City Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes.

NOTE: A Combined Verbatim Transcript of Items 1, 2 and Citizen Participation is made a part of the Final Minutes under Item 1.

(2:36 – 5:30)

1-1/2-1

MEETING ADJOURNED AT 5:30 P.M.

M/LAS SPK COUNCIL MTS. (2:30p) TUES. 26 NOV. 03 (CIVIL CHAMBER) (CH: HAY 016)

CITIZEN PARTICIPATION

Let the new who is without sin, cast the first stone. --
 TOM MC GOWAN, LAS VEGAS RESIDENT. (8) -- <(1 1/2 min.)>--

It's BEEN SAID: "YOU CAN'T LEGISLATE ETHICS OR MORALITY."

HOWEVER, NOTHING IS FACT, LAW OR REASON PRECLUDES, PROHIBITS OR OTHERWISE LIMITS INDIVIDUAL AND GROUPED VOLUNTARY REFORM-BASED ATTAINMENT TO A HIGHER-IDEALIZED STANDARD OF ETHICS, MORALITY, REASON, RESPONSIBILITY, ACCOUNTABILITY, INTEGRITY, AND, -- ABOVE ALL, -- CONSCIENCE.

THAT'S ALL IT TAKES, TO HAVE A BETTER SOCIETY AND GOVERNMENT. A BETTER COMMUNITY, COMPRISED OF BETTER PEOPLE, RESPECTIVELY AND INCLUSIVELY. BUT FIRST, WE HAVE TO REALLY WANT IT, IN ORDER TO MAKE IT SO.

BUT 'HUMAN' MEANS: 'IMPERFECT', AND THE FRAILTIES AND FOIBLES OF HUMAN NATURE LEAD US INTO A 'STATE OF DECEIT' WHERE, -- TOO SOON, -- THE 'PETER PRINCIPLE' TAKES EFFECT, AND WE REACH THE LIMIT OF OUR OWN CAPABILITIES. FRUSTRATED, WE LOOK FOR 'SHORTCUTS', AND WE ERRONEOUSLY ASSUME: "THE END JUSTIFIES THE MEANS", AS WE ENGAGE IN LIMITED INTERESTED EXPERIENCE-DRIVEN RATIONAL IN FURTHERANCE OF OUR OWN SELFISH AGENDA, WITHOUT REGARD FOR THE COMMON GOOD, -- THE GENUINE BEST PUBLIC INTEREST.

AND THAT'S WHEN SOCIETY AND GOVERNMENT BEGINS TO FAIL AND FALL APART, -- POISED IN PRECIPITOUS DECLINE TOWARD AN ULTIMATE 'END-STATE' OF SOCIOECONOMIC AND POLITICAL NON-UTILITY. BECAUSE THERE ARE NO 'SHORTCUTS'. THE SHORTEST DISTANCE BETWEEN TWO (2) POINTS WILL ALWAYS BE A STRAIGHT LINE, -- IN FACT, -- THE 'STRAIGHT AND NARROW PATH', THAT WE'VE ALWAYS KNOWN ABOUT. -- AND: "CHANGE" IS THE UNIVERSAL CONSTANT. ALL WE NEED IS INTELLECT, FREE WILL AND CONSCIENCE, AND, -- WITH THE HELP OF ALMIGHTY GOD, -- WE CAN CHANGE THIS WORLD FOR THE BETTER. EACH AND ALL OF US, TOGETHER, CAN MAKE THIS PLACE A 'PARADISE ON EARTH' FOR EVERYONE, INCLUSIVELY. BUT FIRST, WE HAVE TO REALLY WANT TO DO THAT. -- NOW, WHO WANTS TO GO FIRST? 'HAPPY THANKSGIVING', 'MERRY CHRISTMAS', AND A 'HAPPY AND PROSPEROUS NEW YEAR' TO EACH AND ALL OF YOU!

Thank you! -- (submitted for inclusion in the meeting minutes).

Citizen Participation